



AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, November 28, 2023
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

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*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1619253897>. To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 925 3897**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

- 1. 2023 Conflict of Interest Code Update Report**
From: City Manager
Recommendation: Adopt a Resolution adopting a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 70,074–N.S.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 2. 2023 Annual Commission Attendance and Meeting Frequency Report**
From: City Manager
Recommendation: Adopt a Resolution approving a revised commission meeting frequency schedule, accepting the 2023 annual commission attendance and meeting frequency report, and rescinding Resolution No. 69,331-N.S.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 3. Environment and Climate Commission – Appointment of New Youth Members**
From: City Manager
Recommendation: Adopt a Resolution appointing two youth members to the Environment and Climate Commission recommended by the Berkeley Unified School District Board of Directors.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 4. Contract No. R9704 Amendment: City of Albany for Animal Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend an existing contract number R9704 and any amendments with the City of Albany to provide certain animal care services for which the City of Albany will pay the City of Berkeley \$291,019 for services performed from FY2024 through FY2026, for a new not to exceed amount of \$945,512.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000

Consent Calendar

- 5. Contract: Echo Cartagena, DVM to Provide On-site Relief Veterinary Coverage for Berkeley Animal Care Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Echo Cartagena, DVM, for temporary, on-site veterinary services for Berkeley Animal Care Services (BACS) for January 2024 to June 2024, which establishes a contract in an amount not to exceed \$60,750.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 28, 2023**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$6,880,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 7. Revenue Grant Agreement: Funding Support from Alameda County to Provide Public Health Nursing Services for Foster Care Children/Youth**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant agreement to Alameda County, to accept the grant, and execute any resultant revenue agreements and amendments to provide public health nursing services for the Alameda County Foster Care Program, Services to Enhance Early Development (SEED) in the projected total amount of \$673,179 for July 1, 2023 to June 30, 2026.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 8. Authorizing a Lease of 830 University Avenue to Berkeley Free Clinic**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to enter into a lease for 830 University with Berkeley Free Clinic.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

9. Contract No. 32300062 Amendment: Moreland Investigations for Applicant Background Investigations

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300062 with Moreland Investigations, to extend the existing capacity to perform background investigation services and amend the current contract from \$50,000 to \$200,000 from November 3, 2022, through November 2, 2027.

Financial Implications: See report

Contact: Jennifer Louis, Police, (510) 981-5900

10. Contract No. 32200152 Amendment: Cindy K. Hull & Associates Forensic Consulting Services, LLC

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200152 and any necessary future amendments with Cindy K. Hull & Associates Forensic Consulting Services, LLC for the Police Department, increasing the contract amount by \$150,000 for a total not to exceed the amount of \$200,000 with the contract end date of October 1, 2026.

Financial Implications: See report

Contact: Jennifer Louis, Police, (510) 981-5900

Council Consent Items

11. Appoint Tracy Matthews to the Berkeley Housing Authority Board

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution appointing Tracy Matthews to serve as a Tenant Commissioner on the Berkeley Housing Authority Board of Commissioners for a two-year term.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, (510) 981-7100

12. Civic Arts Referral for Memorial Wall to Councilmember Dona Spring and Budget Referral for Civic Arts Staffing

From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor)

Recommendation: Refer to the Fiscal Year 2024/2025 Budget Process \$162,000 from the General Fund and allocate one additional FTE for staffing for Civics Arts and refer to the Civic Arts Commission to commission a Memorial Wall to Dona Spring at the Animal Shelter.

Financial Implications: General Fund - \$162,000

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

13. **Accept grant funding of \$75,000 from San Francisco Foundation and amend Contract No. 32200161 with Creative Development Partners to extend consulting work associated with Equitable Black Berkeley Initiative**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution authorizing the City Manager to receive \$75,000 of grant funds from the San Francisco Foundation (SFF) (see Attachment #2) for project support for the Equitable Black Berkeley (EBB) initiative and execute an amendment to Contract No. 32200161 with Creative Development Partners (CDP) to add \$75,000 to the existing ideation facilitator contract supporting the EBB for a total contact amount not to exceed \$200,000 and extending the contract term to September 30, 2024.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
14. **Designating Open Space Adjacent to the Ninth St Greenway between Heinz Ave and the Berkeley-Emeryville border as a Linear City Park Pursuant to BMC 6.42**
From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a resolution designating open space adjacent to the Ninth St Greenway between Heinz Ave and the Berkeley-Emeryville border (Folger Ave) as linear City park space and formally dedicate this site for permanent recreational use pursuant to Berkeley Municipal Code 6.42.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
15. **Healthy Black Families 10th Anniversary Celebration**
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of funds, including \$500 from Vice Mayor Ben Bartlett to the Healthy Black Families 10th Anniversary Celebration event. The funds should be relinquished to the City's general fund for this purpose from the discretionary council office budget of Vice Mayor Ben Bartlett and any other council members who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$500
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
16. **Refer to the City Manager to Enhance the City's Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Harrison (Author)
Recommendation:
1. Refer to the City Manager to review and develop enhanced and enforceable City deconstruction and materials management regulations, including the following elements: a. Review of national and international best practices for regulating

Council Consent Items

deconstruction, diversion, recycling, and reuse of construction and demolition materials; b. Integrate deconstruction and construction and enhanced demolition debris management, tracking, and regulation into the Department of Public Works' Zero Waste Strategic Plan and Transfer Station upgrade as appropriate; c. Policy options for (1) enforcing minimum State diversion and recycling requirements, (2) new deconstruction requirements applicable to all permitted Berkeley projects including defining specific building components that are potentially reusable and requiring an enforceable salvage survey provided by the City, a reuse organization, or other third party approved by the City, (3) potentially implementing a social cost of carbon fee on construction and demolition debris, (4) possible enhancements to minimum statewide diversion goals, (5) comprehensive tracking of the disposition of construction and demolition materials, (6) enhancing diversion from un-permitted projects, and (7) integrating salvageable material into developer project planning and budgeting process and permit application plan set (as opposed to at time of final permitting). d. Background survey on contents of existing building stock to get more data on intended impact and opportunities regarding new deconstruction requirements; vetting of existing service providers (certified salvage contractors and salvage material vendors), markets for salvage materials, a list of approved reuse/salvage facilities; a plan for educating contractors on requirements; and an analysis of the costs of compliance with and implementation of any proposed regulations and analysis of any corresponding impacts on feasibility of new construction.

2. Refer to December 2023 Budget AAO #1 Process \$250,000 to conduct a nexus fee study (using the latest academic research, updated damage functions, and low discount rates) for a potential social cost of carbon fee to be applied e.g., to the impact of displacing existing embodied carbon (landfilled construction and demolition debris) and replacement with new embodied carbon. The purpose of the fee is to incentivize reuse and deconstruction, minimize demolition, maximize useful embodied carbon, and fund the City's ongoing green building work and services. *Policy Committee Recommendation: To refer the revised agenda material with a positive recommendation to Council with the following revisions to the recommendation:*

1. *Section C.3 to read as follows: "potentially implementing a social cost of carbon fee on construction and demolition debris".*

2. *Section D to read as follows: "Background survey on contents of existing building stock to get more data on intended impact and opportunities regarding new deconstruction requirements; vetting of existing service providers (certified salvage contractors and salvage material vendors), markets for salvage materials, a list of approved reuse/salvage facilities; and a plan for educating contractors on requirements; and an analysis of the costs of compliance with and implementation of any proposed regulations and analysis of any corresponding impacts on feasibility of new construction."*

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – New Business

- 17. Street Rehabilitation Five Year Plan for Fiscal Years 2024-2028**
From: City Manager
Recommendation: Adopt a Resolution adopting the Five Year Street Rehabilitation Plan for Fiscal Years 2024-2028.
Financial Implications: See report
Contact: LaTanya Bellow, Public Works, (510) 981-6300

Information Reports

- 18. Healthy Checkout Ordinance Update**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use*

permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor

Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901

Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,

Claremont Branch – 2940 Benvenue, West Branch – 1125 University,

North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 16, 2023.*



Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Item #17: Street Rehabilitation Five Year Plan for Fiscal Years 2024-2028**

1. Janice Murota
2. Bob Fabry
3. Bryce Nesbitt
4. Kenny Yip
5. Renate Crocker
6. Michelle Maguire
7. Laura Fujiii
8. Chris Baskett
9. Anne Boersman
10. Kay Englund
11. Susan Taylor
12. Cherie Hearne
13. Dorothea Dorenz
14. Jeanne Allan
15. Ross Bernet
16. Gail Todd
17. Helen Toy
18. Joel and Josie Gerst
19. Marc Jacobs
20. Peter Todd
21. Lisa Friedlander

### **Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act**

22. Christ Schildt
23. Friends of Adeline
24. Andrea Mullarkey
25. Charlene Woodcock
26. Tram Hoang

### **Ashby BART Housing**

- 27. John Holme
- 28. Nat Kane
- 29. Teresa Clarke
- 30. Laura Stevens
- 31. Abbie Turiansky
- 32. Vincent Casalaina
- 33. Charles Siegel, on behalf of Walk Bike Berkeley
- 34. Theo Posselt
- 35. Mikayla Weissman
- 36. Sam Wong
- 37. Susanna Tse
- 38. Kelly Hammargren (2)
- 39. Meredith Sadin
- 40. John Givens
- 41. Peace Esonwune
- 42. Lea Murray

### **Recycling Tennis Balls**

- 43. Adrian McGilly (2)
- 44. Councilmember Harrison

### **Peralta Avenue Changes**

- 45. Jeanne Friedman

### **Berkeley High School Safety Invitation**

- 46. Dan Smuts

### **Golden Gate Horse Deaths**

- 47. Tweed Conrad
- 48. Martha
- 49. Diane Mintz
- 50. Helen Cameron
- 51. Cassie King
- 52. Holly Scheider
- 53. Summer Brenner
- 54. Elizabeth Baker
- 55. Christopher Evans
- 56. Waltraud Buckland
- 57. 13 similarly-worded form letters (Deaths)
- 58. 28 similarly-worded form letters (Protect)

### **Chess Club**

- 59. Jesse Sheehan, Chess Club Chairman (2)
- 60. Gerard Markham

### **Mari Mendonca Recommendation**

- 61. Paul Lee
- 62. Berkeley Tenants Union
- 63. Catherine Huchting

**Bike Lanes**

- 64. AJ Romano

**Safer Streets**

- 65. Julia Moss

**Hit & Run of Child**

- 66. Shannon Mitchell

**Cannabis Survey**

- 67. Ryan Whitcare

**Landlord Issues**

- 68. Jesse Schwartz

**Substance Abuse Issue**

- 69. Eddie Bui

**Crime**

- 70. Elise Gipe (2)

**Construction Tour**

- 71. Michelle Williams, on behalf of Satellite Affordable Housing Associates

**Sidewalk Safety**

- 72. Sean McMahon

**Budget Referral**

- 73. Ariana Casanova

**Rodent Issues at Encampments**

- 74. Marianne Riddle

- 75. Julie Johnston

**Firearms in Parked Vehicles**

- 76. Owen Tran (2)

**Climate Emergency**

- 77. Karis Polfer

**Healthcare Walkout/Gaza**

- 78. Elizabeth Milos

- 79. Lanet Lynette

80. Sandra Morey

**Holiday Gift Fair**

81. Beth Roessner, on behalf of the Berkeley Chamber

**Public Works Departure**

82. Barbara Gilbert

**Complaining Neighbors**

83. Harrod Blank

**APEC**

84. Peter DuMont

**Support Israel**

85. Dorothea Dorenz (2)

**Support Palestine**

86. Angelica Laurel

87. 7 similarly-worded form letters

**Ceasefire Now**

88. 121 similarly-worded form letters

**URL's Only**

89. Paul Lee

90. Vivian Warkentin (3)

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.





Office of the City Manager

CONSENT CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: Revised Conflict of Interest Code

RECOMMENDATION

Adopt a Resolution adopting a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 70,074–N.S.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND EFFECTS

The Political Reform Act requires all cities to adopt and promulgate a Conflict of Interest Code (Code) which specifies designated positions subject to financial disclosure and provides for specific levels of financial disclosure. It also requires amendments to the Code within designated time periods to reflect changed circumstances, including the creation of new positions which must be designated and relevant changes in duties assigned to existing positions (Government Code Sections 87100, et seq.).

The appendices of various departments have been updated to accurately reflect changes in departmental structure, including the inclusion of newly established classifications and the removal of classifications that have been eliminated. The Department Review Forms provide a comprehensive overview of the additional and eliminated job positions (Attachment 2).

The disclosure appendices for the following newly added and merged commissions have been revised to ensure their alignment with current regulations:

- Environment and Climate Commission (reorganization - Energy Commission and CEAC)
- Parks, Recreation and Waterfront Commission (reorganization - Animal Care Commission, Children, Youth, and Recreation Commission, and Parks and Waterfront Commission)
- Homeless Services Panel of Experts (reorganization - Homeless Commission and Homeless Services Panel of Experts)
- Transportation and Infrastructure Commission (reorganization - Transportation Commission and Public Works Commission)

The Joint Subcommittee on the Implementation of State Housing Laws commission has been dissolved.

The adopting resolution has been amended to add language that clarifies and codifies the relationship between the City and the Housing Authority with respect to the noticing, filing, and enforcement of Form 700s filed under the Authority’s conflict code.

Revisions to the Code were made in consultation with the City Attorney’s Office and Department Directors.

### BACKGROUND

The City of Berkeley’s first Conflict of Interest Code was adopted on October 1, 1982 by Resolution No. 51,425–N.S. and has been amended as necessary over time to reflect changes in regulations, departmental organizational structure, designated positions within departments, and commissions. A revised Code was last adopted by the City Council on October 26, 2021 by Resolution No. 70,074–N.S.

The Code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure categories assigned to these positions require the disclosure of all investments, business positions, interests in real property and sources of income, which may foreseeably be affected materially by the decisions made by those designated positions. The Code includes all other provisions required by Government Code Section 87302 and incorporates by reference FPPC Regulation 2 Cal. Admin. Code Section 18730.

The City began allowing employees to complete their Statement of Economic Interests (Form 700) filings electronically in 2009 while still requiring that signed hard copies be submitted; fully electronic filing was certified by the State and became mandatory in 2015. This has resulted in more on-time filings, fewer amendment requests, and a large reduction in staff time and paper usage.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Implementation of electronic filing of Form 700s has saved a substantial amount of paper and vehicle trips to 2180 Milvia Street.

### RATIONALE FOR RECOMMENDATION

The City is required by state law to adopt a Conflict of Interest Code. Ongoing revisions are necessary to ensure that the Code accurately reflects the designated positions outlined in each department’s organizational structure.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

### ATTACHMENTS

1. Resolution
  - Exhibit A: Conflict of Interest Code – Department Appendices
  - Exhibit B: Conflict of Interest Code – Commission Appendices
  - Exhibit C: Conflict of Interest Code – Consultant Appendix
  - Exhibit D: Conflict of Interest Code – Retired Annuitant Appendix
  - Exhibit E: Listing of conflict of interest code – department, commission, consultant, and retired annuitant appendices
2. City’s Department Review Forms



RESOLUTION NO. ##,###-N.S.

ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR THE CITY OF  
BERKELEY AND RESCINDING RESOLUTION NO. 69,152–N.S.

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires every state or local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, state law as specified in the Political Reform Act (the Act) requires the City Council as the code-reviewing body to direct the review of its conflict of interest code; and

WHEREAS, the Act further requires that such direction must occur by July 1 of each even numbered year; and

WHEREAS, the Act additionally requires the submission of a revised conflict of interest code for approval by the code-reviewing body or the notification of said body that no changes are necessary; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Adm. Code Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments to the Political Reform Act; and

WHEREAS, the City of Berkeley may incorporate in its Conflict of Interest Code, by reference, regulation, 2 Cal. Adm. Code Section 18730; and

WHEREAS, on October 1, 1982, the City Council of the City of Berkeley adopted Resolution No. 51,425–N.S., Conflict of Interest Code, for the City of Berkeley; and

WHEREAS, the Code has been amended over time to incorporate changes in regulations, departmental organizational structure, changes in job classifications, and the addition and deletion of certain boards and commissions; and

WHEREAS, the most recent amendment to the City of Berkeley’s Conflict of Interest Code, as set forth in Resolution No. 69,152–N.S, adopted October 29, 2019, requires minor amendments to reflect the current organizational structure of departments, their designated positions and level of disclosure; and

WHEREAS, the Council has determined that the attached Conflict of Interest Code accurately sets forth the current organizational structure of departments, their designated positions, and the respective categories of financial interests which should be made reportable and those boards and commissions which should be designated and the respective categories of financial interests which should be made reportable by their members; and

WHEREAS, state law allows the City to accept Form 700 electronically and designate the electronic filing as the filing of record, and the City has the ability to accept and process electronic filings.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley as follows:

Section 1. That Resolution No. 69,152–N.S. is hereby rescinded.

Section 2. That the City of Berkeley Conflict of Interest Code is hereby adopted, as attached, and includes the following:

(a) With the additions noted below, the terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and made a part of the Conflict of Interest Code of the City of Berkeley except that: (1) the term "investment" shall apply to financial interests in non-profit organizations as well as business entities; (2) the term "interest in real property" includes interests in berths at the Berkeley Marina regardless of when they expire; (3) the terms "non-profit organization" and "business entity" are limited to the jurisdiction in the same manner as the term "investment," i.e., they apply only if the non-profit organization, the business entity, or any parent, subsidiary or otherwise related entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business in the jurisdiction at any time during the two years prior to the time any statement or other action is required under this Code.

(b) Designated Positions with Reporting Requirements.

Elected officials, legislative assistants, members of boards and commissions appointed by the City Council, consultants and City employees holding designated positions shall be considered designated positions subject to reporting requirements under the Conflict of Interest Code, and shall disclose financial interests as set forth in the appendices listing individual disclosure categories.

Section 3. Filing of Statements

Persons holding designated positions shall file Statements of Economic Interests with the City of Berkeley on Fair Political Practices Commission forms, in conformance with the individual disclosure categories and State guidelines, when requested by the City Clerk. The City Clerk will retain custody of the statements and make the statements available for public inspection and reproduction. City Employees and Legislative Assistants in designated positions shall file electronic Statements of Economic Interests (e-file). The electronic filing will be the filing of record for City Employees and Legislative Assistants. City Commissioners may file in paper or file electronic Statements of Economic Interests (e-file). Statements filed electronically by Commissioners will be the filing of record.

Section 4. Late Filings and Failure to File Statements

Any violation of any provision of this Code is subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 et seq. The following additional regulations shall apply to City of Berkeley (a) employees, (b) legislative assistants, (c) members of boards and commissions appointed by the City Council or by an existing City commission, and (d) consultants:

a. City Employees

If a City employee fails to e-file an Assuming Office or Annual Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, they shall be suspended without pay until such time as the required disclosure form has been e-filed. The employee's supervisor shall comply with the provisions of the appropriate Memorandum of Understanding or City of Berkeley Personnel Rules and Regulations in imposing such suspension, in addition, the City Clerk shall impose late filing fees in accordance with Government Code Section 91013 and 91013.5. Prior to resuming active employment with the City of Berkeley, all outstanding statements must be filed and any outstanding fine, payable under Government Code Section 91013, shall be paid. No person shall resume active employment with the City of Berkeley if there are outstanding statements or fines.

b. Legislative Assistants

If a legislative assistant fails to e-file an Assuming or Annual Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, the legislative assistant shall be terminated until such time as the required disclosure form has been e-filed, in addition, the City Clerk shall impose late filing fees in accordance with Government Code Sections 91013 and 91013.5. Prior to being reappointed by a Councilmember, all outstanding statements must be filed and any outstanding fine, payable under Government Code Section 91013, shall be paid. No person shall resume employment as a legislative assistant if there are outstanding statements or fines.

c. Members of Boards and Commissions

If a member of any non-elected board or commission specified in the Code fails to file an Assuming Office Statement of Economic Interests within thirty days after their date of appointment, the commissioner's term shall expire. Similarly, if an Annual Statement of Economic Interests is not filed within thirty days after the City Clerk has given specific written notice of non-filing, the member's term on the commission shall expire. The City Clerk shall notify the commissioner that their term has expired and the appointing councilmember that a vacancy exists on the commission; in addition, the City Clerk shall impose late filing fees in accordance with Government Code Sections 91013 and 91013.5.

If the commissioner has not taken the Oath of Office and not attended any meetings, the commissioner is deemed not to have accepted the appointment and is not subject to filing obligations.

Prior to being reappointed to any commission, all outstanding filings for all commission appointments must be filed and any outstanding fines, payable under Government Code Section 91013, shall be paid. No person shall be appointed to any commission if there are outstanding statements or fines; and no person shall be appointed to any commission for a period of one year if terminated from any commission more than once for failure to file statements.

d. Consultants

If a consultant, as defined in 2 Cal. Code Regs. Section 18701, fails to file any Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, they shall be advised by the City's project manager that no further payments shall be made by the City of Berkeley under the contract until such statement has been received by the City Clerk. The City Clerk shall also impose late filing fees in accordance with Government Code Sections 91013 and 91013.5.

Section 5. Interest and Positions in Non-Profit Organizations - Disclosure and Disqualification

Whenever a disclosure category requires disclosure of specific financial interests or positions in business entities, disclosure of the equivalent financial interests or positions in non-profit organizations is required. Disqualification shall be required as to a disclosed interest or position in a non-profit organization whenever disqualification would have been required as a result of an equivalent financial interest or position in a business entity.

Section 6. Berkeley Housing Authority

The Berkeley City Clerk Department serves as the designated filing official for Berkeley Housing Authority (Authority) Form 700 Economic Disclosure Statements. The Authority is responsible for collecting these statements from all individuals required to submit them. For individuals specified under Government Code Section 87200, such as Board Members and the Executive Director, the Authority will forward the original filings to the City Clerk Department while retaining a copy for their own records. The City Clerk Department will ensure compliance with the filing obligations for the 87200 filers. Regarding other filers who do not fall under Government Code Section 87200, such as the Finance Manager, Management Analyst, Administrative Assistant, Accountant, Housing Specialist, and General Counsel, the Authority will retain the original statements and enforce the associated filing requirements internally. Additionally, the Authority is responsible for overseeing the administration of the Oath of Office for its members.

Section 7. Revisions to the City's Conflict of Interest Code

The City Clerk will review the City's Conflict of Interest Code on an biennial basis and if changes are required will submit a revised code for Council approval, or if no changes are necessary so notify the City Council, by the applicable deadline specified in the Political Reform Act.

## AUDITOR'S DEPARTMENT APPENDIX

| <b>Designated Employees</b>                | <b>Disclosure Categories</b> |
|--------------------------------------------|------------------------------|
| Audit Manager                              | 1                            |
| Auditor I, II                              | 1                            |
| City Auditor                               | 1                            |
| Deputy City Auditor for Payroll Management | 1                            |
| Senior Auditor                             | 1                            |

### **Disclosure Categories**

#### **Category 1**

All designated employees shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

## CITY ATTORNEY'S OFFICE APPENDIX

### Designated Employees

### Disclosure Categories

#### Administration

|                                     |   |
|-------------------------------------|---|
| Assistant City Attorney             | 1 |
| Assistant to the City Attorney      | 1 |
| City Attorney                       | 1 |
| Deputy City Attorney I, II, III, IV | 1 |
| Paralegal                           | 1 |

### Disclosure Categories

#### Category 1

All designated employees shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

## CITY CLERK DEPARTMENT APPENDIX

### Designated Employees

### Disclosure Categories

|                      |   |
|----------------------|---|
| Assistant City Clerk | 1 |
| City Clerk           | 1 |
| Deputy City Clerk    | 1 |

### Disclosure Categories

#### Category 1

All designated employees assigned to this category shall disclose all business entities, and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

## CITY MANAGER'S DEPARTMENT APPENDIX

| <b>Designated Employees</b>                     | <b>Categories</b> |
|-------------------------------------------------|-------------------|
| <b>ADMINISTRATION</b>                           |                   |
| Administrative Hearing Examiner                 | 1                 |
| Assistant to the City Manager                   | 1                 |
| City Manager                                    | 1                 |
| Community Services Specialist II                | 2                 |
| Deputy City Manager                             | 1                 |
| Digital Communications Coordinator              | 1                 |
| Homeless Services Coordinator                   | 1                 |
| Program Manager I, II                           | 1                 |
| Senior Management Analyst                       | 1                 |
| <b>ANIMAL CARE SERVICES</b>                     |                   |
| Animal Services Manager                         | 1                 |
| Registered Veterinary Technician                | 1                 |
| <b>CODE ENFORCEMENT GROUP</b>                   |                   |
| Code Enforcement Officer                        | 1                 |
| Code Enforcement Supervisor                     | 1                 |
| <b>DIVERSITY, EQUITY AND INCLUSION DIVISION</b> |                   |
| Diversity, Equity, and Inclusion Officer        | 1                 |
| <b>OFFICE OF BUDGET AND FISCAL MANAGEMENT</b>   |                   |
| Associate Management Analyst                    | 1                 |
| Budget Manager                                  | 1                 |
| Senior Management Analyst                       | 1                 |



**CITY MANAGER'S DEPARTMENT APPENDIX**

**Designated Employees**

**Disclosure Categories**

**OFFICE OF ECONOMIC DEVELOPMENT**

|                                                 |   |
|-------------------------------------------------|---|
| Assistant Management Analyst                    | 1 |
| Civic Arts Coordinator                          | 1 |
| Community Development Project Coordinator       | 1 |
| Economic Development Project Coordinator        | 1 |
| Manager of Economic Development                 | 1 |
| Senior Economic Development Project Coordinator | 1 |

**Disclosure Categories**

**Category 1**

Designated employees assigned to this category shall disclose all business entities, and non-profit organizations in which they have an investment or in which they are a director officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

**Category 2**

Designated employees assigned to this category shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells or otherwise provides goods or services of the type utilized by the division or program to which the designated employee is assigned.

**Category 3**

Designated employees assigned to this category shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells or otherwise provides goods or services of the type utilized by any division or program in the Department of Health, Housing and Community Services.

## DEPARTMENT OF INFORMATION TECHNOLOGY APPENDIX

| <b>Designated Employees</b>           | <b>Categories</b> |
|---------------------------------------|-------------------|
| Application Programmer Analyst II     | 1                 |
| Customer Service Manager              | 1                 |
| Database Administrator                | 1                 |
| Director of Information Technology    | 1                 |
| Information Security Manager          | 1                 |
| Information Systems Manager           | 1                 |
| Program Manager I, II                 | 1                 |
| Senior Information Systems Specialist | 1                 |
| Senior Management Analyst             | 1                 |
| Senior Systems Analyst                | 1                 |

### **Disclosure Categories**

#### **Category 1**

Designated employees assigned to this category shall disclose all business entities, and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

## FINANCE DEPARTMENT APPENDIX

### Designated Employees

### Disclosure Categories

#### ADMINISTRATION

|                        |   |
|------------------------|---|
| Director of Finance    | 1 |
| Senior Systems Analyst | 1 |
| Systems Accountant     | 1 |

#### ACCOUNTING DIVISION

|                    |   |
|--------------------|---|
| Accounting Manager | 1 |
| Senior Accountant  | 2 |

#### TREASURY DIVISION

|                                   |   |
|-----------------------------------|---|
| Revenue Development Specialist II | 1 |
| Revenue Development Supervisor    | 1 |
| Treasury Manager                  | 1 |

#### REVENUE COLLECTIONS DIVISION

|                            |   |
|----------------------------|---|
| Revenue Collection Manager | 1 |
|----------------------------|---|

#### GENERAL SERVICES DIVISION

|                          |   |
|--------------------------|---|
| Buyer                    | 1 |
| Contract Administrator   | 1 |
| General Services Manager | 1 |
| Senior Buyer             | 1 |

## **FINANCE DEPARTMENT APPENDIX (CONTINUED)**

### **Disclosure Categories**

#### **Category 1**

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income including gifts, loans and travel payments.

#### **Category 2**

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

- (a) is a financial institution or is otherwise eligible under state law to have city funds, including pension, retirement and deferred compensation funds, deposited with it or invested in it;
- (b) is of the type which has provided services, including but not limited to professional advice on investment, bond, tax or legal matters, to the Finance Department within the previous two years;
- (c) is subject to a City of Berkeley licensing requirement; or
- (d) provides real property sales or management services or owns or operates real property of the type leased or purchased by the City of Berkeley within the previous two years.

## FIRE AND EMERGENCY SERVICES DEPARTMENT PPENDIX

### Designated Employees

### Disclosure Categories

#### FIRE - OFFICE OF THE CHIEF

|                                          |   |
|------------------------------------------|---|
| Administrative & Fiscal Services Manager | 1 |
| Associate Management Analyst             | 3 |
| Communications Specialist                | 4 |
| Fire Chief                               | 1 |
| Principal Program Manager                | 1 |

#### TRAINING

|                      |      |
|----------------------|------|
| Assistant Fire Chief | 1    |
| Fire Captain I, II   | 2, 3 |

#### OPERATIONS

|                      |      |
|----------------------|------|
| Assistant Fire Chief | 1    |
| Battalion Chief      | 1    |
| Deputy Fire Chief    | 1    |
| Fire Captain I, II   | 2, 3 |

#### FIRE PREVENTION

|                                     |      |
|-------------------------------------|------|
| Assistant Management Analyst        | 2, 4 |
| Deputy Fire Marshal                 | 1    |
| Fire and Life Safety Plans Examiner | 2, 4 |
| Fire Marshal                        | 1    |
| Fire Prevention Inspectors          | 2    |

**Fire and Emergency Services Department Appendix**

Page 2

**Designated Employees****Disclosure Categories****SPECIAL OPERATIONS DIVISION OFFICE OF EMERGENCY SERVICES**

|                                |   |
|--------------------------------|---|
| Emergency Services Coordinator | 4 |
| Program Manager I, II          | 1 |

**EMERGENCY MEDICAL SERVICES**

|                                                                        |      |
|------------------------------------------------------------------------|------|
| Assistant Fire Chief                                                   | 1    |
| Emergency Medical Services Quality Improvement & Education Coordinator | 2, 3 |
| Fire Captain I, II                                                     | 2, 3 |
| Paramedic Supervisor                                                   | 2, 3 |

**WILDLAND URBAN INTERFACE**

|                            |   |
|----------------------------|---|
| Assistant Fire Chief       | 1 |
| Fire Prevention Inspectors | 2 |

**Disclosure Categories****Category 1**

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property, and all sources of income, including gifts, loans and travel payments.

**Category 2**

Designated employees assigned to this category shall disclose any interest in commercial, industrial, or institutional real property; in residential rental property consisting of three or more units; or any other property subject to fire inspection. In addition, designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

**Fire and Emergency Services Department Appendix**

- (a) owns, manages, or operates real property of the type subject to fire inspection; or
- (b) is in the building and construction industry, including but not limited to architects, developers, contractors, sub-contractors, materials suppliers or consultants.

**Disclosure Categories (Continued)**

**Category 3**

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells, leases or otherwise provides goods, equipment, or services of the type utilized by the Fire and Emergency Services Department.

**Category 4**

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells, leases or otherwise provides goods, equipment or services of the type utilized by the division or program of the Fire and Emergency Services Department to which the designated employee is assigned.

**HEALTH, HOUSING AND COMMUNITY SERVICES DEPARTMENT APPENDIX****Designated Employees****Disclosure Categories****OFFICE OF THE DIRECTOR**

|                                                         |         |
|---------------------------------------------------------|---------|
| Accounting Office Specialist Supervisor                 | 4       |
| Administrative & Fiscal Services Manager                | 1       |
| Associate Management Analyst                            | 2       |
| Community Services Specialist I                         | 4, 6    |
| Community Services Specialist III                       | 4, 6, 8 |
| Deputy Director of Health, Housing & Community Services | 1       |
| Director of Health, Housing & Community Services        | 1       |
| Epidemiologist                                          | 8       |
| Health Officer                                          | 1       |
| Health Services Program Specialist                      | 3       |
| Principal Program Manager                               | 1       |
| Program Manager I, II                                   | 1       |
| Public Health Program Physician/Deputy Health Officer   | 1, 6    |
| Senior Health Management Analyst                        | 4, 6    |
| Senior Health Services Program Specialist               | 4, 6    |
| Senior Management Analyst                               | 2       |
| Supervising Public Health Nurse                         | 4, 6    |

**AGING SERVICES DIVISION**

|                                           |      |
|-------------------------------------------|------|
| Manager of Aging Services                 | 1    |
| Mental Health Clinical Supervisor         | 4, 6 |
| Senior Citizen Center Director            | 4, 6 |
| Senior Health Services Program Specialist | 4, 6 |
| Transportation Services Coordinator       | 4, 6 |



**Health, Housing and Community Services Department Appendix****Page 2****Designated Employees****Disclosure Categories****HOUSING AND COMMUNITY SERVICES DIVISION**

|                                                  |   |
|--------------------------------------------------|---|
| Associate Management Analyst                     | 6 |
| Associate Planner                                | 8 |
| Building Inspector I (Certified)                 | 1 |
| Community Development Project Coordinator        | 1 |
| Community Services Specialist II & III           | 8 |
| Homeless Services Coordinator                    | 8 |
| Manager of Housing and Community Services        | 1 |
| Senior Community Development Project Coordinator | 1 |
| Senior Management Analyst                        | 2 |

**ENVIRONMENTAL HEALTH DIVISION**

|                                            |   |
|--------------------------------------------|---|
| Environmental Health Supervisor            | 1 |
| Manager of Environmental Health            | 1 |
| Registered Environmental Health Specialist | 8 |
| Senior Environmental Health Specialist     | 1 |
| Vector Control Technician                  | 8 |

**MENTAL HEALTH DIVISION**

|                                             |      |
|---------------------------------------------|------|
| Assistant Manager of Mental Health Services | 1    |
| Community Services Specialist II            | 4    |
| Health Services Program Specialist          | 2    |
| Manager of Mental Health Services           | 1    |
| Mental Health Clinical Supervisor           | 4, 6 |
| Mental Health Program Supervisor            | 2    |
| Supervising Mental Health Nurse             | 4, 6 |
| Supervising Psychiatrist                    | 1    |

**Designated Employees****Disclosure Categories****PUBLIC HEALTH DIVISION**

|                                           |      |
|-------------------------------------------|------|
| Community Services Specialist I           | 4, 8 |
| Community Services Specialist III         | 4, 6 |
| Epidemiologist                            | 8    |
| Health Nutrition Program Coordinator      | 4, 6 |
| Health Services Program Specialist        | 3    |
| Health Services Supervisor                | 1    |
| Manager of Public Health Services         | 1    |
| Senior Health Services Program Specialist | 4, 6 |
| Supervising Public Health Nurse           | 4, 6 |

**Disclosure Categories****Category 1**

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

**Category 2**

Designated employees assigned to this category shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells or otherwise provides goods or services of the type utilized by any division or program in the Department of Health, Housing and Community Services.

**Category 3**

Designated employees assigned to this category shall disclose any interest in real property located within a Berkeley target area or neighborhood strategy area. In addition they shall also disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold

**Health, Housing and Community Services Department Appendix****Page 4**

any position of management; and income including gifts, loans and travel payments; if the business entity, non- profit organization or source of income is:

- a) a building contractor or subcontractor of the type performing work under Berkeley Housing Rehabilitation Programs; or
- b) is from individuals who have applied for or received housing rehabilitation assistance from the City of Berkeley within the previous two years.

**Category 4**

Designated employees assigned to this category shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells or otherwise provides goods or services of the type utilized by the division or program in the Department of Health, Housing and Community Services to which the designated employee is assigned.

**Category 5**

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

- a) manufactures, distributes, sells installs or otherwise markets equipment for energy conservation or alternative energy development; or
- b) provides services, including but not limited to design, repair, advocacy or consultation services, in the areas of energy conservation or alternative energy development.

**Category 6**

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they have an investment, or in which they are a director, officer, partner, trustee, employee or hold any position of management and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income is of the type which receives funds under contract with the City of Berkeley to:

- a) Serve the social welfare needs of the people of Berkeley; or
- b) Provide health services, including but not limited to emergency services, obstetric, gynecological or maternity care, care for chronic or communicable

diseases, and mental health; or

- c) Provide services to the aging; or
- d) Lease, own, or operate real property of the type suitable for the program or services under the supervision of the designated employee; or of the type suitable to be leased, owned, or operated by the City of Berkeley for health programs under the supervision of the designated employee.

### Category 7

Designated employees assigned to this category shall disclose any interest in real property consisting in whole or in part of residential rental property. In addition, they shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of

management; and income, including gifts, loans and travel payments; if the business entity or source of income has an interest in, operates or manages residential rental property.

### Category 8

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

- a) is of the type whose contracts with the City of Berkeley are monitored by the Department of Health, Housing and Community Services or which receives funds under contract with the City of Berkeley to serve the social welfare needs of the people of the Berkeley; or
- b) is of the type which manufactures, distributes, sells or otherwise provides goods or services of the type utilized by the designated employee's division of the Department of Health, Housing and Community Services

### Category 9

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they have an investment, or in which they are a director, officer, partner, trustee, employee or hold any position of management; any interest in real property within one-fourth mile of any Berkeley Senior Center and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income is of the type which receives funds under contract with the City of Berkeley to:

- a) Serve the social welfare needs of the people of Berkeley; or
- b) Provide health services, including but not limited to emergency services, care for chronic or communicable diseases, and mental health; or
- c) Provide services to the aging; or
- d) Lease, own, or operate real property of the type suitable for the program or services under the supervision of the designated employee; or of the type suitable to be leased, owned, or operated by the City of Berkeley for community services programs under the supervision of the designated employee.

## HUMAN RESOURCES DEPARTMENT APPENDIX

| <b>Designated Employees</b>                             | <b>Disclosure Categories</b> |
|---------------------------------------------------------|------------------------------|
| Associate Human Resources Analyst (Recruitment / Exams) | 2                            |
| Director of Human Resources                             | 1                            |
| Employee Relations Manager                              | 1                            |
| Equal Employment, Opportunity & Diversity Officer       | 1                            |
| Human Resources Manager                                 | 1                            |
| Occupational Health and Safety Officer                  | 2, 3                         |
| Occupational Health and Safety Specialist               | 3                            |
| Senior Human Resources Analyst                          | 2, 3                         |
| Training Officer                                        | 2                            |
| Worker's Compensation Analyst                           | 3                            |

### BENEFITS DIVISION

|                                   |   |
|-----------------------------------|---|
| Associate Human Resources Analyst | 3 |
|-----------------------------------|---|

### Disclosure Categories

#### Category 1

Designated employees in this category shall disclose all business entities and non-profit organizations in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property and all sources of income, including gifts, loans and travel payments.

**Human Resources Department Appendix****Page 2****Disclosure Categories (Continued)****Category 2**

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

- (a) is a labor union; or
- (b) is of the type which has provided the Human Resources Department within the previous two years with testing materials or services, or with services of any other kind including but not limited to consultant services or medical examination services; or
- (c) provides training, organizational development or facilitator services.

**Category 3**

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income is of the type which provides insurance of any kind, including but not limited to workers' compensation, health, life or liability insurance or related services.

## LIBRARY DEPARTMENT APPENDIX

| <b>Designated Employees</b> | <b>Categories</b> |
|-----------------------------|-------------------|
|-----------------------------|-------------------|

### ADMINISTRATION SERVICES

|                                          |   |
|------------------------------------------|---|
| Administrative & Fiscal Services Manager | 1 |
| Deputy Director of Library Services      | 1 |
| Director of Library Services             | 1 |

### CIRCULATION SERVICES DIVISION

|                              |   |
|------------------------------|---|
| Circulation Services Manager | 1 |
|------------------------------|---|

### CHILDREN'S / NEIGHBORHOOD SERVICES DIVISION

|                          |   |
|--------------------------|---|
| Library Services Manager | 1 |
|--------------------------|---|

### EQUITY, DIVERSITY, AND INCLUSION

|                    |   |
|--------------------|---|
| Program Manager II | 1 |
|--------------------|---|

### MAINTENANCE DIVISION

|                                        |   |
|----------------------------------------|---|
| Senior Building Maintenance Supervisor | 1 |
|----------------------------------------|---|

### TECHNICAL SERVICES & INFORMATION TECHNOLOGY

|                                           |   |
|-------------------------------------------|---|
| Library Information Systems Administrator | 1 |
| Library Services Manager                  | 1 |

### **Disclosure Categories**

#### **Category 1**

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.



## MAYOR AND COUNCIL DEPARTMENT APPENDIX

| <b>Designated Employees</b>                    | <b>Disclosure Categories</b> |
|------------------------------------------------|------------------------------|
| Mayor                                          | 1                            |
| City Councilmembers                            | 1                            |
| Chief of Staff                                 | 1                            |
| Assistant to the Mayor                         | 1                            |
| Legislative Assistant/Administrative Assistant | 1                            |

### **Disclosure Categories**

#### **Category 1**

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

## OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY APPENDIX

| <b>Designated Employees</b>                                  | <b>Categories</b> |
|--------------------------------------------------------------|-------------------|
| Associate Management Analyst (Administrative Analyst)        | 1                 |
| Associate Management Analyst (Data Analyst)                  | 1                 |
| Associate Management Analyst (Policy Analyst)                | 1                 |
| Director of Police Accountability                            | 1                 |
| Office of the Director of Police Accountability Investigator | 1                 |
| Police Accountability Board Member                           | 1                 |

### Disclosure Category

#### Category 1

Designated employees assigned to this category shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization, or source of income:

- (a) manufactures, distributes, sells or otherwise markets weapons, ammunition, or other law enforcement equipment;
- (b) is of the type which offers law enforcement training courses considered by the Police Accountability Board and Office of the Director of Police Accountability; or
- (c) is a member of the Berkeley Police Department.

## PARKS, RECREATION & WATERFRONT DEPARTMENT APPENDIX

| <b>Designated Employees</b>                  | <b>Categories</b> |
|----------------------------------------------|-------------------|
| <b>OFFICE OF THE DIRECTOR</b>                |                   |
| Assistant Civil Engineer (Registered)        | 1                 |
| Associate Civil Engineer                     | 1                 |
| Capital Improvement Programs Manager         | 1                 |
| Deputy Director                              | 1                 |
| Director of Parks, Recreation and Waterfront | 1                 |
| Senior Management Analyst                    | 1                 |
| Supervising Civil Engineer                   | 1                 |
| <b>PARKS DIVISION</b>                        |                   |
| Building Maintenance Supervisor              | 2, 3              |
| Parks Superintendent                         | 1                 |
| Senior Building Maintenance Supervisor       | 2, 3              |
| Senior Forestry Supervisor                   | 2, 3              |
| Senior Landscape Gardener Supervisor         | 2, 3              |
| <b>RECREATION DIVISION</b>                   |                   |
| Aquatics Coordinator                         | 3                 |
| Aquatics Facilities Supervisor               | 3                 |
| Camp Manager                                 | 2, 3, 4           |
| Recreation and Youth Services Manager        | 1                 |
| Recreation Coordinator                       | 3                 |
| Recreation Program Supervisor                | 1                 |
| <b>WATERFRONT DIVISION</b>                   |                   |
| Harbormaster                                 | 3, 5              |
| Waterfront Manager                           | 1                 |
| Waterfront Supervisor                        | 2, 5              |

## Disclosure Categories

### Category 1

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property and all sources of income, including gifts, loans and travel payments.

### Category 2

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income is of the type which manufactures, distributes, sells, leases or otherwise provides the Parks, Recreation & Waterfront Department with:

- (a) goods of any kind, including but not limited to heavy equipment, vehicles, machinery, tools, fuel products or other equipment; or
- (b) services of any kind, including but not limited to building or construction services and consultant services.

### Category 3

Designated employees assigned to this category, shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells, leases or otherwise provides goods, equipment, machinery, supplies or services of the type used by the division or program of the Parks, Recreation & Waterfront Department to which the designated employee is assigned.

### Category 4

Designated employees assigned to this category shall disclose all interests in real property. In addition, they shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

- (a) owns, operates or manages real property; or
- (b) is a utility; or
- (c) is in the building or construction industry, including but not limited to architects, engineers, building construction contractors or subcontractors, materials suppliers, or consultants.

**Disclosure Categories Continuous**

**Category 5**

Designated employees assigned to this category shall disclose:

- (a) all interests in real property located on or within one-fourth mile of the Berkeley Waterfront, including any leasehold interest in berths at the Berkeley Marina; and
- (b) any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee or employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:
  - (i) is located on the Berkeley Waterfront;
  - (ii) has an interest in real property on the Berkeley Waterfront; or does business, has done business within the previous two years, plans to do business on the Berkeley Waterfront, including but not limited to architects, engineers, real estate developers, building contractors, lawyers and others involved in projects or proposals on the Berkeley Waterfront.

## PLANNING AND DEVELOPMENT DEPARTMENT APPENDIX

### Designated Employees

### Designated Employees

#### BUILDING AND SAFETY DIVISION

|                                       |      |
|---------------------------------------|------|
| Assistant Building and Safety Manager | 1    |
| Building and Safety Manager           | 1    |
| Building Inspector I, II (Certified)  | 2, 4 |
| Building Plans Engineer               | 2, 4 |
| Building Plans Examiner               | 2, 4 |
| Community Services Specialist I, II   | 2, 4 |
| Resilient Buildings Program Manager   | 1    |
| Senior Building Inspector             | 2, 4 |
| Senior Building Plans Engineer        | 2, 4 |
| Supervising Building Inspector        | 2, 4 |

#### HOUSING CODE ENFORCEMENT DIVISION

|                                      |   |
|--------------------------------------|---|
| Assistant Inspector                  | 1 |
| Assistant Management Analyst         | 1 |
| Housing Inspector I, II (Certified)  | 1 |
| Senior Housing Inspector (Certified) | 1 |

#### LAND USE PLANNING DIVISION

|                           |   |
|---------------------------|---|
| Assistant Planner         | 1 |
| Associate Planner         | 1 |
| Land Use Planning Manager | 1 |
| Planning Technician       | 1 |
| Principal Planner         | 1 |
| Senior Planner            | 1 |

**Designated Employees****Designated Employees****OFFICE OF ENERGY AND SUSTAINABLE DEVELOPMENT**

|                                          |      |
|------------------------------------------|------|
| Associate Management Analyst             | 2, 4 |
| Community Services Specialist I, II, III | 2, 4 |
| Energy Program Manager                   | 1    |

**OFFICE OF THE DIRECTOR / ADMINISTRATION**

|                                             |      |
|---------------------------------------------|------|
| Administrative and Fiscal Services Manager  | 1    |
| Assistant Management Analyst                | 1    |
| Associate Management Analyst                | 1    |
| Community Services Specialist II            | 2, 4 |
| Deputy Director of Planning and Development | 1    |
| Director of Planning and Development        | 1    |

**PERMIT SERVICE CENTER**

|                           |      |
|---------------------------|------|
| Permit Center Coordinator | 1    |
| Permit Specialist         | 2, 4 |
| Senior Permit Specialist  | 2, 4 |

**TOXICS MANAGEMENT DIVISION**

|                                      |   |
|--------------------------------------|---|
| Hazardous Materials Manager          | 1 |
| Hazardous Materials Specialist I, II | 3 |

## Disclosure Categories

### Category 1

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income including gifts, loans and travel payments.

### Category 2

Designated employees assigned to this category shall disclose all interests in real property. In addition, they shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income has an interest in real property or is in the building and construction industry, including but not limited to architects, developers, contractors, sub-contractors, materials suppliers or consultants.

### Category 3

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

- (a) produces, uses, collects or disposes of hazardous and toxic materials; or
- (b) provides consulting services in the areas of source reduction and recycling, and the management, treatment and disposal of hazardous wastes and materials.

### Category 4

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

- (a) manufactures, distributes, sells installs or otherwise markets equipment for energy conservation or alternative energy development; or
- (b) provides services, including but not limited to design, repair, advocacy or consultation services, in the areas of energy conservation or alternative energy development.



## POLICE DEPARTMENT APPENDIX

| <b>Designated Employees</b>              | <b>Disclosure Categories</b> |
|------------------------------------------|------------------------------|
| Administrative & Fiscal Services Manager | 1                            |
| Chief of Police                          | 1                            |
| Deputy Police Chief                      | 1                            |
| Police Captain                           | 1                            |

### **Disclosure Categories**

#### **Category 1**

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

## PUBLIC WORKS DEPARTMENT APPENDIX

| <b>Designated Employees</b>           | <b>Categories</b> |
|---------------------------------------|-------------------|
| <b>ENGINEERING DIVISION</b>           |                   |
| Assistant Civil Engineer (Registered) | 2, 4              |
| Assistant Management Analyst          | 3                 |
| Assistant Public Works Engineer       | 2                 |
| Associate Civil Engineer              | 2, 4              |
| Building Inspector                    | 1, 6              |
| Chief of Party                        | 2                 |
| Engineering Inspector                 | 2, 6              |
| Engineering Technician                | 2, 4              |
| Environmental Compliance Specialist   | 2, 4              |
| Junior Public Works Engineer          | 2                 |
| Manager of Engineering                | 1, 4              |
| Senior Building Inspector             | 2, 6              |
| Senior Drafting Technician            | 2, 4              |
| Senior Engineering Inspector          | 2, 6              |
| Supervising Civil Engineer            | 1, 4, 6           |
| <b>EQUIPMENT MAINTENANCE DIVISION</b> |                   |
| Equipment Maintenance Superintendent  | 2, 4              |
| Senior Equipment Supervisor           | 3                 |
| <b>FACILITIES MANAGEMENT DIVISION</b> |                   |
| ADA Program Coordinator               | 2, 4              |
| Building Maintenance Supervisor       | 3, 6              |
| Communications Supervisor             | 1                 |
| Electrical Supervisor                 | 1, 4              |

**Public Works Department Appendix****Page 2****Designated Employees****Categories****FACILITIES MANAGEMENT DIVISION (CONTINUOUS)**

|                                        |      |
|----------------------------------------|------|
| Environmental Compliance Specialist    | 3, 7 |
| Facilities Maintenance Superintendent  | 2, 6 |
| Lead Communications Technician         | 1    |
| Senior Building Maintenance Supervisor | 3, 6 |
| Senior Electrical Supervisor           | 1, 4 |

**OFFICE OF THE DIRECTOR**

|                                           |      |
|-------------------------------------------|------|
| Administrative & Fiscal Services Manager  | 1    |
| Assistant Management Analyst              | 2    |
| Associate Management Analyst              | 2    |
| Community Development Project Coordinator | 1, 4 |
| Deputy Director of Public Works           | 1    |
| Director of Public Works                  | 1    |
| Disability Services Specialist            | 2, 4 |
| Occupational Health and Safety Officer    | 2, 3 |
| Public Works Operations Manager           | 1, 4 |
| Senior Management Analyst                 | 2    |
| Solid (Zero) Waste and Recycling Manager  | 1, 5 |

**STREETS DIVISION**

|                                         |      |
|-----------------------------------------|------|
| Assistant Management Analyst            | 2, 4 |
| Public Works Maintenance Superintendent | 2    |
| Public Works Supervisor                 | 3    |
| Senior Public Works Supervisor          | 3    |
| Sewer Maintenance Assistant Supervisor  | 3    |

**Public Works Department Appendix****Page 3****Designated Employees****Categories****TRANSPORTATION DIVISION**

|                                                     |      |
|-----------------------------------------------------|------|
| Assistant Management Analyst                        | 2    |
| Assistant Planner                                   | 2, 4 |
| Assistant Transportation Engineer                   | 2, 4 |
| Associate Civil Engineer                            | 2, 4 |
| Associate Planner                                   | 1    |
| Associate Transportation Engineer                   | 2, 4 |
| Deputy Director of Public Works                     | 1    |
| Parking Meter Maintenance and Collection Supervisor | 2    |
| Parking Services Manager                            | 2    |
| Principal Planner                                   | 1    |
| Senior Planner                                      | 1    |
| Senior Public Works Supervisor                      | 3    |
| Supervising Traffic Engineer                        | 1, 4 |
| Traffic Maintenance Supervisor                      | 2    |

**ZERO WASTE DIVISION**

|                                              |         |
|----------------------------------------------|---------|
| Associate Management Analyst                 | 2       |
| Environmental Compliance Specialist          | 1       |
| Field Representative                         | 2       |
| Public Works (Zero Waste) Operations Manager | 1, 4, 5 |
| Recycling Program Manager                    | 3, 5    |
| Senior Solid (Zero) Waste Supervisor         | 2       |
| Solid (Zero) Waste and Recycling Manager     | 1, 5    |
| Solid (Zero) Waste Supervisor                | 3, 5    |

**Public Works Department Appendix****Page 4****Disclosure Categories****Category 1**

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

**Category 2**

Designated employees assigned to this category shall disclose entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income is of the type which manufactures, distributes, sells, leases or otherwise provides goods or services of the type used by any division or program of the Public Works Department.

**Category 3**

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells, leases or otherwise provides goods, equipment, machinery, supplies or services of the type used by the division or program of the Public Works Department to which the designated employee is assigned.

**Category 4**

Designated employees assigned to this category shall disclose all interests in real property. In addition, they shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

- (a) owns, operates or manages real property; or
- (b) is a utility; or
- (c) is in the building or construction industry, including but not limited to architects, engineers, building construction contractors or subcontractors, materials suppliers, or consultants.

**Public Works Department Appendix****Page 5****Disclosure Categories Continuous****Category 5**

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income is of the type which:

- (a) collects or hauls solid waste;
- (b) builds or operates any solid waste disposal facility, transfer or processing station or resource recovery facility;
- (c) engages in solid waste recycling activities; or
- (d) acts as a consultant to entities or organizations engaged in the above activities.

**Category 6**

Designated employees assigned to this category shall disclose any interest in real property located in an area of Berkeley in which the utility lines have not been undergrounded. In addition, they shall disclose business entities, or non-profit organizations, in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity or source of income is a public utility company which does any work related to the provision of utility services, is a construction company or subcontractor of such company or has an interest in real property in an area of Berkeley in which the utility lines have not been undergrounded.

**Category 7**

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

- (a) produces, uses, collects, stores, or disposes of hazardous or toxic materials; or
- (b) provides consulting services in the areas of source reduction or recycling, or the management, treatment or disposal of hazardous wastes or materials.

## RENT STABILIZATION BOARD APPENDIX

| <b>DESIGNATED OFFICIALS - BOARD MEMBERS</b> | <b>CATEGORIES</b> |
|---------------------------------------------|-------------------|
| Commissioners (Board Members)               | 1, 2, 3           |

| <b>DESIGNATED EMPLOYEES</b>                | <b>CATEGORIES</b> |
|--------------------------------------------|-------------------|
| Administrative and Fiscal Services Manager | 2,3               |
| Assistant Management Analyst               | 2, 3              |
| Associate Management Analyst               | 2, 3              |
| Associate Planner                          | 2, 3              |
| Community Services Specialist II, III      | 2, 3              |
| Executive Director                         | 1, 2, 3           |
| General Counsel                            | 1, 2, 3           |
| Hearing Examiners                          | 2, 3              |
| Senior Hearing Examiner                    | 2, 3              |
| Senior Management Analyst                  | 2, 3              |
| Senior Planner                             | 2, 3              |
| Staff Attorneys II & III                   | 1, 2, 3           |

**RENT STABILIZATION BOARD APPENDIX****Page 2****Disclosure Categories****Category 1**

Designated employees assigned to this category shall disclose:

- (a) All investment and interest in, and all sources of income from real property including but not limited to ownership, sale, management, transfer or exchange.
- (b) All investments in and sources of income, including gifts, loans and travel payments from entities which own, sell, manage, transfer or exchange real property.
- (c) Any management position including but not limited to a director, officer, partner or trustee in any business entity or non-profit organization subject to or potentially affected by the regulatory authority of the Rent Board.
- (d) The assuming office statement shall disclose all interests and dealings in real property, including but not limited to ownership, sale, management, transfer or exchange, and interests in entities whose primary purpose is the ownership, sale, management, transfer or exchange of real property, during the previous three years.

**Category 2**

Designated employees assigned to this category shall disclose:

- (a) All investments and interests in and all sources of income from real property, including but not limited to ownership, sale, management, transfer or exchange, subject to the regulatory authority of the Rent Board.
- (b) All investments and business positions in and sources of income, including gifts, loans and travel payments from entities which own, sell, manage, transfer or exchange real property, subject to the regulatory authority of the Rent Board.

**Category 3**

Designated employees assigned to this category shall disclose investments and business positions in business entities, non-profit organizations and sources of income, including gifts, loans and travel payments of the type which, within the past two years, have contracted with the City of Berkeley to provide services, supplies, materials, machinery or equipment to the Board.







## BOARD OF LIBRARY TRUSTEES APPENDIX

### Designated Officials

Members of the Board

### Disclosure Category

Members of the Board shall disclose any interest in real property within a 1/2 mile of any Berkeley municipal library. In addition, members of the Board shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel-payments; if the business entity, non-profit organization, or source of income is of the type which:

- 1) manufactures, repairs, distributes, sells, leases or otherwise markets library materials and equipment including, but not limited to, books, periodicals, art slides or prints, records, and cataloguing equipment or systems; or
- 2) has contracted with the Berkeley Library Department within the previous two years to provide any other kinds of goods or services to the Department.

## **CANNABIS COMMISSION APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose:

- 1) All interests in real property located in the City of Berkeley; or
- 2) Any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization or source of income is of the type which:
  - a) manufactures, distributes, sells, installs, or otherwise markets equipment or supplies for cultivation or consumption of the plant Cannabis sativa L. or any of its derivatives; or
  - b) operates any cannabis business or organization, including collectives and dispensaries; or
  - c) engages in activities or provides services that involve planting, cultivating, harvesting, transporting, dispensing, delivering, selling at retail or wholesale, manufacturing, compounding, converting, processing, preparing, storing, packaging, or testing, any part of the plant Cannabis sativa L. or any of its derivatives.

## **CIVIC ARTS COMMISSION APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose business entities, and non-profit organizations in which they have an investment, or in which they are a director, officer, partner, employee, or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income:

- 1) has applied for, is receiving, or within the previous two years has received, funds through the City to advance the Arts in Berkeley; or
- 2) has profited from the creation, production, sale, or display of any artistic endeavor;  
or
- 3) has provided services, goods, or equipment to artistic endeavors.

## **COMMISSION ON AGING APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization or source of income has applied for, is receiving or within the previous two years has received funds through the City of Berkeley to provide services to the aging. In addition, members of the Commission shall disclose any interest in real property located within 1/4 mile of any of the Berkeley Senior Centers.

## COMMISSION ON DISABILITY APPENDIX

### Designated Officials

Members of the Commission

### Disclosure Category

All members of the Commission shall disclose business entities and non-profit organizations in which they hold an investment or in which they are a director, officer, partner, trustee, employee or have any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income within the previous two years has provided services, goods, or equipment to disabled persons.

## COMMISSION ON LABOR APPENDIX

### Designated Officials

Members of the Commission

### Disclosure Category

All members of the Commission shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income:

- 1) is a union or other organization which represents or has sought to represent employees or management in collective bargaining; or
- 2) has applied for, is receiving, or within the previous two years has received funds through the City of Berkeley to provide services to organizations whose purpose is to serve the legal rights and economic interests of labor.



## **COMMUNITY HEALTH COMMISSION APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose business entities or non-profit organizations in which they have an investment or are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity or non-profit organization provides goods or services relating in any way to the provision, administration or financing of health care or health planning, education and information.

## **DESIGN REVIEW COMMITTEE APPENDIX**

### **Designated Officials**

Members of the Committee

### **Disclosure Category**

All members of the committee shall disclose any interest in real property consisting in whole or in part of a building located in any commercially zoned area in the City of Berkeley. In addition, members of the Committee shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income has an interest in real property consisting in whole or in part of a building located in a commercially zoned area; derives income from the sale of construction supply materials; or performs construction services or renovation services including landscaping, architectural, and interior decorating.

## **DISASTER AND FIRE SAFETY COMMISSION APPENDIX**

### **Designated Officials**

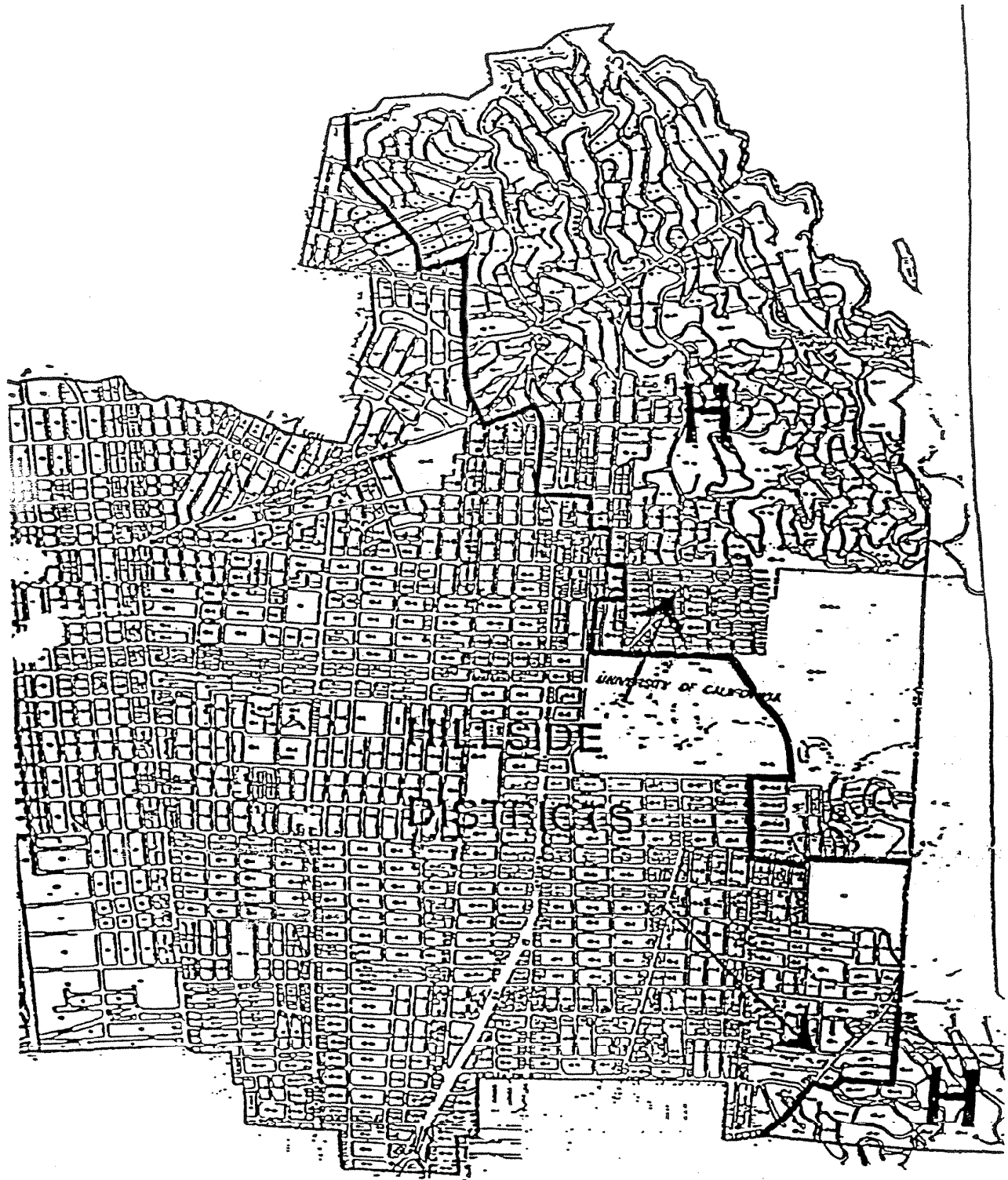
Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose all interests in real property located in the City of Berkeley.

In addition, members of the Commission shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee, or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income is of the type which:

- 1) manufactures, distributes, sells, leases, or otherwise provides goods or services that may be used in planning, preparing for or responding to a disaster or emergency as defined in BMC Ch. 2.88.020; or
- 2) provides consulting services in the areas of disaster management or disaster preparedness; or
- 3) offers disaster preparedness, fire service, or emergency medical services training courses; or
- 4) acts as a consultant to organizations engaged in fire inspection, fire prevention, code enforcement, chipper and debris removal, landscaping or any other fire preparedness service; or
- 5) provides architectural, engineering or construction work in the areas of seismic retrofitting, upgrades or disaster recovery.



ATTACHMENT A TO DISASTER AND FIRE SAFETY COMMISSION

## **ELMWOOD BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD APPENDIX**

### **Designated Officials**

Members of the Board

### **Disclosure Category**

All members of the Board shall disclose all interests in real property located in or within one mile of the Elmwood Business Improvement District as defined in Attachment A to this Appendix, and any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income; if the business entity, non-profit organization, or source of income is:

- 1) located in or within one mile of the Elmwood Business Improvement District; or
- 2) has an interest in real property located in or within one mile of the Elmwood Business Improvement District; or
- 3) does business, has done business within the previous two years, or plans to do business in or within one mile of the Elmwood Business Improvement District, including but not limited to architects, engineers, real estate developers, building contractors, lawyers and others involved in projects or proposals located in or within one mile of the Elmwood Business Improvement District.

## ATTACHMENT A

### ELMWOOD BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD APPENDIX

#### **7.84.030 Boundaries of district.**

The boundaries of the District are as specified in this section and in the District's Boundary Map attached to the ordinance codified in this chapter and on file with the office of the City Clerk.

**Western Boundary.** A line connecting the western edge of all parcels fronting on the western side of College Avenue in the C-E zoning district from 2832 College to 2992 College but including the City-owned Elmwood parking lot that is accessed from Russell Street, and addresses on Ashby from 2629 to 2648. The parcels along the western boundary are as follows:

Assessor's Book 053:

Block 1695: Parcels 11, 12-1, and 12-2.

Assessor's Book 052:

Block 1568: Parcels 3, 4-1, 5-1, 5-2, 6-2, 7, 9, 11-1, 12-1, 49, 50, 51, 52, 53, 55, and 56.

Block 1573: Parcels 2, 4-1, 6, 14, 15, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, and 103.

**Eastern Boundary.** A line connecting the eastern edge of all parcels fronting on the eastern side of College Avenue from 2887 College Avenue to 2999 College Avenue and 2701 Webster Street. The parcels along the eastern boundary are as follows:

Assessor's Book 053:

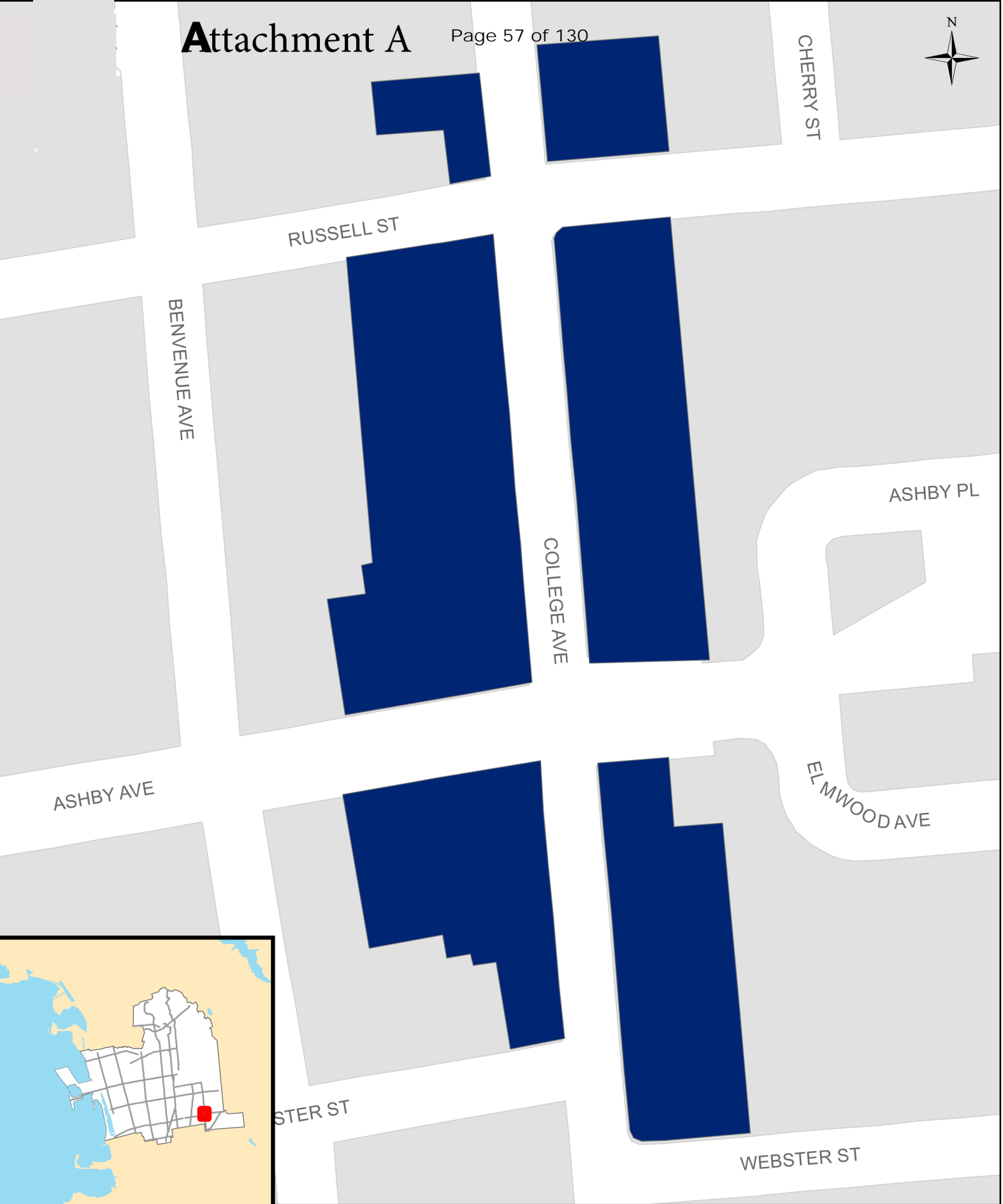
Block 1696: Parcel 15.

Assessor's Book 052:

Block 1567: Parcels: 16, 17, 18, 19, 20, 21, 22, 23, 24, 62, 63, 64, 66, 67, 68, 87, 88, 89, 90, and 91.

**Southern Boundary.** Webster Street.

**Northern Boundary.** A line connecting the northern edge of parcel 053-1695-011 (2832 College) on the western side of College and the northern edge of parcel 053-1696-015 (2887 College) on the eastern side of College. (Ord. 7317-NS § 3 (part), 2013)



# ELMWOOD BUSINESS IMPROVEMENT DISTRICT

0 EXHIBIT B-10 7,600 Meters





## **ENVIRONMENT AND CLIMATE COMMISSION APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee, or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income is of the type which:

- 1) is engaged in the building construction trades; or
- 2) manufactures, distributes, sells, installs, or otherwise markets equipment for energy conservation or alternative energy development; or
- 3) provides services, including but not limited to design, repair, advocacy, financial, or consultation services, in the areas of energy conservation or alternative energy development; or
- 4) produces, uses, collects or disposes of hazardous and toxic materials; or
- 5) provides consulting services in the areas of source reduction and recycling, and the management, treatment and dispersal of hazardous wastes and materials.

**FAIR CAMPAIGN PRACTICES COMMISSION APPENDIX  
OPEN GOVERNMENT COMMISSION APPENDIX**

**Designated Officials**

Members of the Commission

**Disclosure Category**

All members of the Commission shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income is required to file campaign reports under the Berkeley Election Reform Act of 1974, acts as a consultant on campaign matters, or is subject to regulation under the Lobbyist Registration Act.

## HOMELESS SERVICES PANEL OF EXPERTS

### Designated Officials

Members of the Commission

### Disclosure Category

All members of the commission shall disclose all interests in real property located in the City of Berkeley.

In addition, members of the commission shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income:

- 1) is engaged in serving the housing or social welfare needs of the homeless in the City of Berkeley; or
  - a. (2) owns or manages real property in Berkeley; or
  - b. (3) derives income from the sale of construction materials, or performs construction or renovation services, including landscaping, architectural, and interior decorating.

## **HOUSING ADVISORY COMMISSION APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Board shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

## **HUMAN WELFARE AND COMMUNITY ACTION COMMISSION APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose business entities and non-profit organizations in which they have an investment or are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization or source of income is of the type which receives funds under contract with the City of Berkeley to serve the social welfare needs of the people of Berkeley.

## **INDEPENDENT REDISTRICTING COMMISSION**

### **Designated Officials**

Members of the Commission

### **Disclosure Categories**

Members of the Commission shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

## **JOINT POWERS FINANCING AUTHORITY APPENDIX**

### **Designated Officials**

Members of the Authority

### **Disclosure Category**

Members of the Authority shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

## LANDMARKS PRESERVATION COMMISSION APPENDIX

### Designated Officials

Members of the Commission

### Disclosure Category

All members of the Commission shall disclose any interest in real property located in the City of Berkeley consisting in whole or in part of a building more than 40 years old. In addition, members of the Commission shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income has an interest in real property located in the City of Berkeley consisting in whole or in part of a building more than 40 years old.



## **LOAN ADMINISTRATION BOARD APPENDIX**

### **Designated Officials**

Members of the Board

### **Disclosure Category**

All members of the Board shall disclose all business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

## **MENTAL HEALTH COMMISSION APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose business entities and non-profit organizations in which they have an investment or are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income is of the type which has received mental health funds administered by the City of Berkeley.

In addition, members of the Commission shall disclose any interest in real property located within 1/4 mile of any clinical mental health site operated by the City of Berkeley or supported in whole or in part by funds administered by the City of Berkeley.

## **PARKS, RECREATION AND WATERFRONT COMMISSION APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income is of the type which:

- 1) is engaged in park design, construction, maintenance or renovation or in the manufacture, distribution or repair of park, recreation or playground equipment; or
- 2) is related to the work in the field of early childhood development, education, childcare, recreational programs and activities; or
- 3) is located on the Berkeley Waterfront; or
- 4) has an interest in real property on the Waterfront; or
- 5) provides services, goods, or equipment related to the care, treatment or control of animals; or
- 6) does business, has done business within the previous two years, or plans to do business with any city owned animal shelter, including but not limited to architects, engineers, building contractors, lawyers and others involved in projects or proposals connected with the building or modification of any City owned animal shelter; or
- 7) all interests in real property within  $\frac{1}{4}$  mile of any Berkeley park, mini-park or municipal recreation facility or within  $\frac{1}{4}$  mile of any open space suitable for development into a park or mini-park; or
- 8) all interests in real property located on or within  $\frac{1}{4}$  mile of the Berkeley Waterfront, including any leasehold interest in berths at the Berkeley Marina; or
- 9) does business, has done business within the previous two years, or plans to do business on the Berkeley Waterfront, including but not limited to architects, engineers, real estate developers, building contractors, lawyers and others involved in projects or proposals on the Berkeley Waterfront.

## PEACE AND JUSTICE COMMISSION APPENDIX

### Designated Officials

Members of the Commission

### Disclosure Category

All members of the Commission shall disclose business entities, non-profit organizations, and financial institutions in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income:

- 1) has applied for, is receiving or within the previous two years has received funds through the City of Berkeley to serve the goal of creating a world community in which the relations between people are based on equality and respect for human rights, or the abhorrence of exploitation and oppression; or
- 2) has profited from the manufacture, sale, development, or testing of any weapon, or any device, substance, chemical, or geological agent, which is designed or used principally as a means of individual or mass destruction; or
- 3) is from individuals who control or serve as directors of financial institutions.

## PERSONNEL BOARD APPENDIX

### Designated Officials

Members of the Board

### Disclosure Category

All members of the Board shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or the source of income is:

- 1) a union or other organization which represents or has sought to represent employees in collective bargaining; or
- 2) a health plan, an insurance company, or a financial institution offering services of the type made available as fringe benefits to unrepresented employees of the City of Berkeley.

## **PLANNING COMMISSION APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

## **POLICE ACCOUNTABILITY BOARD APPENDIX**

### **Designated Officials**

Members of the Board

### **Disclosure Category**

All members of the Board shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income:

- 1) manufactures, distributes, sells or otherwise markets weapons, ammunition, or other law enforcement equipment; or
- 2) is of the type which offers law enforcement training courses considered by the Commission; and
- 3) is a member of the Berkeley Police Department.

## **REIMAGINING PUBLIC SAFETY TASK FORCE**

### **Designated Officials**

Members of the Task Force

### **Disclosure Categories**

All members of the Task Force shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.



## **SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD APPENDIX**

### **Designated Officials**

Board Members

### **Disclosure Category**

All members of the Board shall disclose all interests in real property located on or within one mile of the Solano Avenue Business Improvement District as defined in Attachment A to this Appendix, and any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income; if the business entity, non-profit organization, or source of income is:

- 1) located in or within one mile of the Solano Avenue Business Improvement District; or
- 2) has an interest in real property located in or within one mile of the Solano Avenue Business Improvement District; and
- 3) does business, has done business within the previous two years, or plans to do business in or within one mile of the Solano Avenue Business Improvement District, including but not limited to architects, engineers, real estate developers, building contractors, lawyers and others involved in projects or proposals located in or within one mile of the Solano Avenue Business Improvement District.

## ATTACHMENT A

### SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD APPENDIX

#### Boundaries of the Solano Avenue Business Improvement District

##### **ZONE A**

Includes all businesses on real estate parcels with frontage on Solano Avenue or in the C-SO zone between The Alameda and the Berkeley/Albany line.

##### Northern Boundary:

A line connecting the northern edges of all parcels fronting on the northern side of Solano Avenue or in the C-SO zone from the Albany Town Line to The Alameda. The parcels along the northern boundary are as follows:

##### Assessor's Map 62:

Block 2848: Parcels 13 and 14

Block 2870: Parcels 16,17-2, 18,19 and 20

Block 2872: Parcels 17,18,19, 20, 21, 22, 23, 24, 25 and 26

Block 2871: Parcels 7-2, 10, 11, 12-1, 15-1, 16-1, 19, 20, 21 and 22

##### Assessor's Map 61:

Block 2602: Parcels 2, 3-1, 3-2, 4, 5, 5-1, 6, 8, 9, 33-1, 35-4, 37, 38, 40-1, 43-1,44-1, 45, 46, 47, 48, 49, 50 and 51

##### Eastern Boundary

The western edge of The Alameda

##### Southern Boundary

1. A line connecting the southern edges of all parcels fronting on the southern side of Solano Avenue or in the C-SO zone from The Alameda to the Albany Town Line. The parcels along the southern boundary are as follows:

##### Assessor's Map 61

Block 2603: Parcels 1,3-3 and 4

Block 2611: Parcels 1-2, 4, 25-3, 25-4 and 28-1

Block 2612: Parcels 1 and 2

Block 2613: Parcels 1-1, 5-1 and 6

Block 2614: Parcels 1, 2, 3, 4 and 22 through 28

2. The northern edge of Solano Avenue from Tulare Avenue to a point approximately 100 feet west of Neilson Street.

## ATTACHMENT A

### SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD APPENDIX

#### Western Boundary

The Albany Town Line

#### **ZONE B**

Includes all businesses within the boundaries of the District on parcels not fronting on Solano Avenue between The Alameda and the Berkeley/Albany line or in the C-SO zone. The boundaries of the Zone B areas are as follows:

#### Area 1

A line around the three parcels immediately south of Zone A on the western edge of The Alameda. This area includes the following parcels:

##### **Assessor's Map 61**

Block 2603: Parcels 5, 6, and 7

#### Area 2

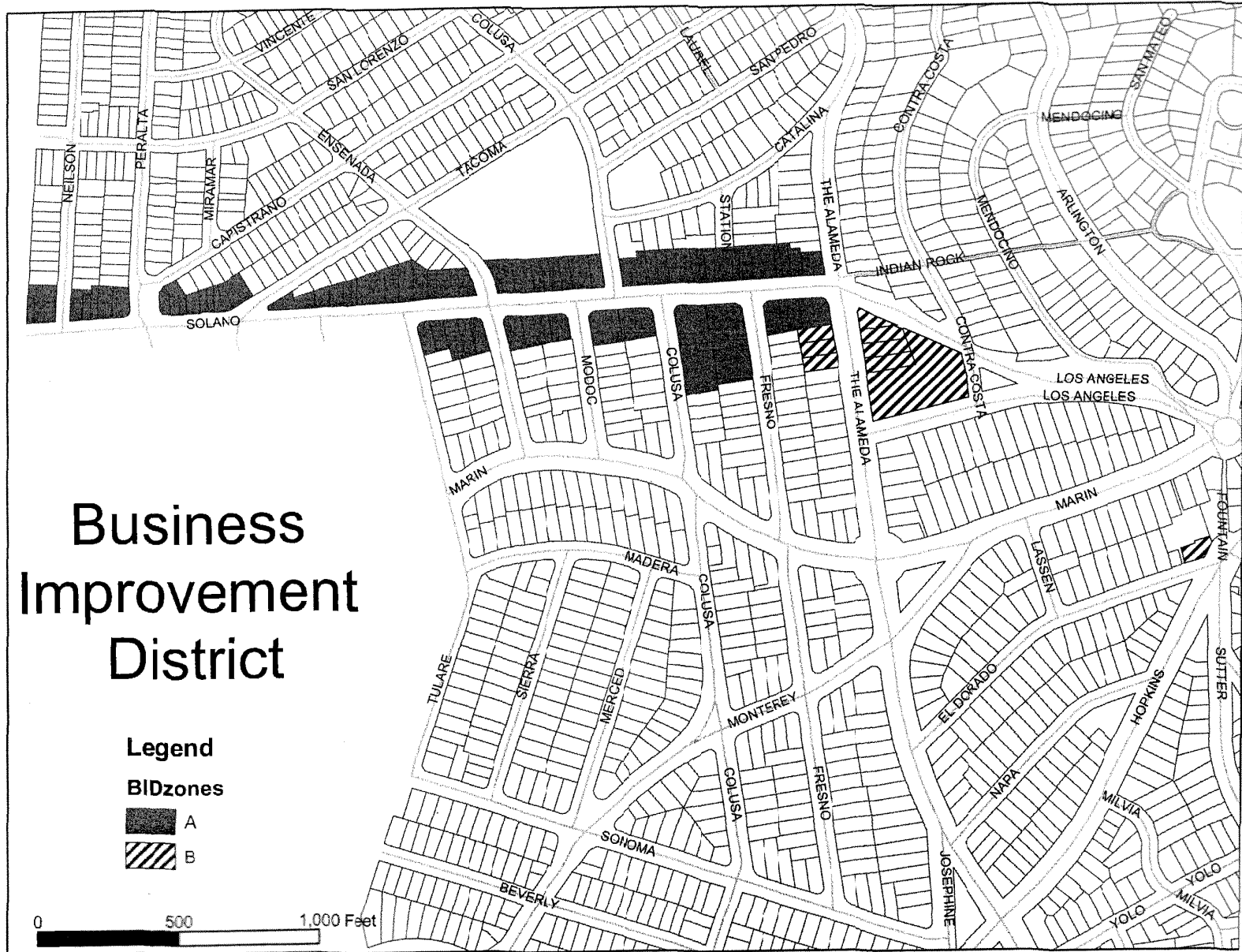
A line around the block enclosed by the eastern edge of The Alameda, the southern edge of Solano Avenue, the western edge of Contra Costa Avenue and the northern Edge of Los Angeles Avenue. This area includes the following parcels:

##### **Assessor's Map 61**

Block 2575: Parcels 40-1, 41, 42, 43 and 44

#### Area 3

A line around Parcel 3-7, Block 2571, Assessor's Map 61



## SUCCESSOR AGENCY APPENDIX

### Designated Officials and Employees

### Disclosure Categories

Members of the Successor Agency

1

Staff of the Agency

1

### Disclosure Categories

#### Category 1

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans and travel payments.

## **SUGAR-SWEETENED BEVERAGE PRODUCT PANEL OF EXPERTS APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization or source of income:

- 1) provides services related to youth food and nutrition programs or school-based food and nutrition programs; or
- 2) provides childhood nutrition education; or
- 3) employment by or income from Berkeley Unified School District; or
- 4) provides health care services that address diabetes, weight or other conditions that result from consumption of sugar; and
- 5) conducts public health research related to categories 1, 2 or 3 above.

## **TRANSPORTATION AND INFRASTRUCTURE COMMISSION APPENDIX**

### **Designated Officials**

Members of the Commission

### **Disclosure Category**

All members of the Commission shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all sources of income, including gifts, loans, and travel payments; and all interests in real property located in the City of Berkeley.

## ZERO WASTE COMMISSION APPENDIX

### Designated Officials

Members of the Commission

### Disclosure Category

Members of the Commission shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income is of the type which:

- 1) collects or hauls solid waste; or
- 2) builds or operates any solid waste disposal facility, transfer or processing station or resource recovery facility; or
- 3) engages in solid waste recycling activities; and
- 4) acts as a consultant to entities or organizations engaged in the above activities.



## ZONING ADJUSTMENTS BOARD APPENDIX

### **Designated Officials**

Members of the Board

### **Disclosure Categories**

All members of the Board shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.



## CONSULTANTS APPENDIX<sup>1</sup>

### Designated Employees

### Disclosure Categories

**Consultants who make (not just recommend) governmental decisions,** such as whether to approve a rate, rule, or regulation, whether to issue, deny, suspend, or revoke any permit, license, application, certificate or similar authorization, adopt or grant City approval to a plan, design, report, study, or adopt or grant City approval of policies, standards, or guidelines for the City or any subdivision thereof

1

**Consultants who act in a staff capacity with the City,** and in that capacity perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code.

Disclosure required at the same level as the comparable designated position identified elsewhere in this Code.

### Category 1

Designated consultants assigned to this category shall disclose:

- (a) All business entities or non-profit corporations in which they are a director, officer, partner, trustee, employee or hold a position of management; interests in real property, investments; and income, including gifts, loans and travel payments.<sup>2</sup>
- (b) When the consultant is a corporation or partnership, only individuals from the firm that participate in City decisions or act in a staff capacity must file disclosure statements.

<sup>1</sup> Only consultants who make a governmental decision or act in a staff capacity as defined in 2 Cal. Code Regs. Section 18701, as amended from time to time, shall be subject to economic disclosure requirements.

<sup>2</sup> Consultants who make governmental decisions shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The chief executive officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The chief executive officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.



## RETIRED ANNUITANT APPENDIX

### Designated Employees

### Disclosure Categories

Retired Annuitants who perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code.

\*

### Disclosure Categories

\*Disclosure required at the same level as the comparable designated position identified elsewhere in this Code.



**EXHIBIT E - LISTING OF ALL BERKELEY CONFLICT OF INTEREST CODE  
DEPARTMENT, COMMISSION, CONSULTANT, AND RETIRED ANNUITANT APPENDICES**

| <b>EXHIBIT</b> | <b>DEPARTMENT</b>                               |
|----------------|-------------------------------------------------|
| A-1            | Auditor Department                              |
| A-2            | City Attorney Office                            |
| A-3            | City Clerk Department                           |
| A-4            | City Manager Office                             |
| A-5            | Department of Information Technology            |
| A-6            | Finance Department                              |
| A-7            | Fire and Emergency Services                     |
| A-8            | Health, Housing & Community Services Department |
| A-9            | Human Resources Department                      |
| A-10           | Library Department                              |
| A-11           | Mayor and Council                               |
| A-12           | Office of the Director of Police Accountability |
| A-13           | Parks, Recreation and Waterfront Department     |
| A-14           | Planning and Development Department             |
| A-15           | Police Department                               |
| A-16           | Public Works Department                         |
| A-17           | Rent Stabilization Board                        |

**EXHIBIT E - LISTING OF ALL BERKELEY CONFLICT OF INTEREST CODE  
DEPARTMENT, COMMISSION, CONSULTANT, AND RETIRED ANNUITANT APPENDICES**

| <b>EXHIBIT</b> | <b>BOARDS &amp; COMMISSIONS</b>                                 |
|----------------|-----------------------------------------------------------------|
| B-1            | Board of Library Trustees                                       |
| B-2            | Cannabis Commission                                             |
| B-3            | Civic Arts Commission                                           |
| B-4            | Commission on Aging                                             |
| B-5            | Commission on Disability                                        |
| B-6            | Commission on Labor                                             |
| B-7            | Community Health Commission                                     |
| B-8            | Design Review Committee                                         |
| B-9            | Disaster and Fire Safety Commission                             |
| B-10           | Elmwood Business Improvement District Advisory Board            |
| B-11           | Environment and Climate Commission                              |
| B-12           | Fair Campaign Practices Commission - Open Government Commission |
| B-13           | Homeless Services Panel of Experts                              |
| B-14           | Housing Advisory Commission                                     |
| B-15           | Human Welfare and Community Action Commission                   |
| B-16           | Independent Redistricting Commission                            |
| B-17           | Joint Powers Financing Authority                                |
| B-18           | Landmarks Preservation Commission                               |
| B-19           | Loan Administration Board                                       |
| B-20           | Mental Health Commission                                        |
| B-21           | Parks, Recreation and Waterfront Commission                     |
| B-22           | Peace and Justice Commission                                    |
| B-23           | Personnel Board                                                 |
| B-24           | Planning Commission                                             |



**EXHIBIT E - LISTING OF ALL BERKELEY CONFLICT OF INTEREST CODE  
DEPARTMENT, COMMISSION, CONSULTANT, AND RETIRED ANNUITANT APPENDICES**

**EXHIBIT      BOARDS & COMMISSIONS CONTINEOUS**

- B-25      Police Accountability Board
- B-26      Reimagining Public Safety Task Force
- B-27      Solano Avenue Business Improvement District Advisory Board
- B-28      Successor Agency
- B-29      Sugar-Sweetened Beverage Product Panel of Experts
- B-30      Transportation and Infrastructure Commission
- B-31      Zero Waste Commission
- B-32      Zoning Adjustments Board

**EXHIBIT      CONSULTANT**

- C-1      Consultant

**EXHIBIT      RETIRED ANNUITANT**

- D-1      Retired Annuitant



**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE **NO** CHANGES, COMPLETE **ONLY** THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS                       | CATEGORY                   | DELETE<br>(Only delete eliminated positions) |  |  | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) |  | TITLE REVISION<br>(List new titles in notes) |              | NOTES |
|-----------------------------------------------------|----------------------------|----------------------------------------------|--|--|------------------------------------------------------------|--|----------------------------------------------|--------------|-------|
|                                                     |                            |                                              |  |  |                                                            |  |                                              |              |       |
| Audit Manager                                       | 1                          |                                              |  |  |                                                            |  |                                              |              |       |
| Auditor I & II                                      | 1                          |                                              |  |  |                                                            |  |                                              |              |       |
| City Auditor                                        | 1                          |                                              |  |  |                                                            |  |                                              |              |       |
| Deputy City Auditor for Payroll Management          | 1                          |                                              |  |  |                                                            |  |                                              |              |       |
| Senior Auditor                                      | 1                          |                                              |  |  |                                                            |  |                                              |              |       |
| <b>POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021</b> | <b>CATEGORY (REQUIRED)</b> |                                              |  |  |                                                            |  |                                              | <b>NOTES</b> |       |
|                                                     |                            |                                              |  |  |                                                            |  |                                              |              |       |
|                                                     |                            |                                              |  |  |                                                            |  |                                              |              |       |

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

The Department Appendix, as Amended, is Approved:

The Form Requires No Amendments:  x

Name: Jenny Wong

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 9-Aug-23

## 2023 City Attorney Department Review Form

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE **NO** CHANGES, COMPLETE **ONLY** THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS                       | CATEGORY                   | DELETE<br><small>(Only delete eliminated positions)</small> | DISCLOSURE CATEGORY CHANGE<br><small>(List new category in notes)</small> | TITLE REVISION<br><small>(List new titles in notes)</small> | NOTES                                                  |
|-----------------------------------------------------|----------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------|
| Assistant City Attorney                             | 1                          |                                                             |                                                                           |                                                             |                                                        |
| City Attorney                                       | 1                          |                                                             |                                                                           |                                                             |                                                        |
| Deputy City Attorney I, II, III                     | 1                          |                                                             |                                                                           |                                                             |                                                        |
| Paralegal                                           | 1                          |                                                             |                                                                           |                                                             |                                                        |
| <b>POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021</b> | <b>CATEGORY (REQUIRED)</b> |                                                             |                                                                           |                                                             | <b>NOTES</b>                                           |
| Assistant to the City Attorney                      | 1                          |                                                             |                                                                           |                                                             | Council Meeting 10/11/2022; Resolution No. 70,561-N.S. |
| Deputy City Attorney IV                             | 1                          |                                                             |                                                                           |                                                             | Council Meeting 11/15/2022; Resolution No. 70,597-N.S. |
|                                                     |                            |                                                             |                                                                           |                                                             |                                                        |
|                                                     |                            |                                                             |                                                                           |                                                             |                                                        |

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

The Department Appendix, as Amended, is

Approved:

X

Added disclosure categories for new positions added since 6/1/2021

The Form Requires No Amendments:

Name:

Samuel Harvey

Dept. Director's Affirmation:

I hereby affirm that I personally reviewed this report

Date:

Sep. 6, 2023

Page 95 of 130  
**2023 City Clerk Department Review Form**

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE **NO** CHANGES, COMPLETE **ONLY** THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS | CATEGORY | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES |
|-------------------------------|----------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|-------|
| Assistant City Clerk          | 1        |                                              |                                                            |                                              |       |
| Assistant Management Analyst  | 1        | X                                            |                                                            |                                              |       |
| City Clerk                    | 1        |                                              |                                                            |                                              |       |
| Deputy City Clerk             | 1        |                                              |                                                            |                                              |       |

| POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021 | CATEGORY (REQUIRED) | NOTES |
|----------------------------------------------|---------------------|-------|
| None                                         |                     |       |

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

The Department Appendix, as Amended, is Approved:

|   |
|---|
| X |
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The Form Requires No Amendments:

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Name: Mark Numainville

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 7/28/2023

## 2023 City Manager Department Review Form

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE NO CHANGES, COMPLETE ONLY THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS      | CATEGORY | DELETE<br><small>(Only delete eliminated positions)</small> | DISCLOSURE CATEGORY CHANGE<br><small>(List new category in notes)</small> | TITLE REVISION<br><small>(List new titles in notes)</small> | NOTES                                                                                             |
|------------------------------------|----------|-------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <b>ADMINISTRATION</b>              |          |                                                             |                                                                           |                                                             |                                                                                                   |
| Administrative Hearing Examiner    | 1        |                                                             |                                                                           |                                                             |                                                                                                   |
| Assistant City Manager             |          | X                                                           |                                                                           |                                                             | Not Listed for CMO Positions                                                                      |
| Assistant Management Analyst       |          | X                                                           |                                                                           |                                                             | There is only one Asst Mgmt Analyst positoin; which is under Office of Economic Development below |
| Assistant to the City Manager      | 1        |                                                             |                                                                           |                                                             |                                                                                                   |
| Associate Management Analyst       | 4        |                                                             |                                                                           |                                                             | Moved to Office of Budget and Fiscal Management below                                             |
| City Manager                       | 1        |                                                             |                                                                           |                                                             |                                                                                                   |
| Community Services Specialist II   | 2        |                                                             |                                                                           |                                                             |                                                                                                   |
| Deputy City Manager                | 1        |                                                             |                                                                           |                                                             |                                                                                                   |
| Digital Communications Coordinator | 1        |                                                             |                                                                           |                                                             |                                                                                                   |
| Health Services Program Specialist | 3        | X                                                           |                                                                           |                                                             | Removed from position list for FY23/24                                                            |
| Senior Management Analyst          | 1        |                                                             |                                                                           |                                                             |                                                                                                   |

## 2023 City Manager Department Review Form

| EXISTING DEPARTMENT POSITIONS                 | CATEGORY | DELETE<br><small>(Only delete eliminated positions)</small> | DISCLOSURE CATEGORY CHANGE<br><small>(List new category in notes)</small> | TITLE REVISION<br><small>(List new titles in notes)</small> | NOTES                           |
|-----------------------------------------------|----------|-------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------|---------------------------------|
| <b>ANIMAL CARE SERVICES</b>                   |          |                                                             |                                                                           |                                                             |                                 |
| Animal Services Manager                       | 1        |                                                             |                                                                           |                                                             |                                 |
| Registered Veterinary Technician              | 1        |                                                             |                                                                           |                                                             |                                 |
| <b>CODE ENFORCEMENT GROUP</b>                 |          |                                                             |                                                                           |                                                             |                                 |
| Code Enforcement Officer                      | 1        |                                                             |                                                                           |                                                             |                                 |
| Code Enforcement Supervisor                   | 1        |                                                             |                                                                           |                                                             |                                 |
| <b>OFFICE OF ECONOMIC DEVELOPMENT</b>         |          |                                                             |                                                                           |                                                             |                                 |
| Assistant Management Analyst                  | 1        |                                                             |                                                                           |                                                             |                                 |
| Civic Arts Coordinator                        | 1        |                                                             |                                                                           |                                                             |                                 |
| Community Development Project Coordinator     | 1        |                                                             |                                                                           |                                                             |                                 |
| Economic Development Project Coordinator      | 1        |                                                             |                                                                           |                                                             |                                 |
| Manager of Economic Development               | 1        |                                                             |                                                                           |                                                             |                                 |
| <b>OFFICE OF BUDGET AND FISCAL MANAGEMENT</b> |          |                                                             |                                                                           |                                                             |                                 |
| Budget Manager                                | 1        |                                                             |                                                                           |                                                             |                                 |
| Associate Management Analyst                  | 1        |                                                             |                                                                           |                                                             | Moved from Administration above |
| Senior Management Analyst                     | 1        |                                                             |                                                                           |                                                             |                                 |

## 2023 City Manager Department Review Form

| EXISTING DEPARTMENT POSITIONS                                                                                                         | CATEGORY            | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|--------------------------------------------------------------------------------------------------|
| POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021                                                                                          | CATEGORY (REQUIRED) |                                              |                                                            |                                              | NOTES                                                                                            |
| Senior Economic Development Project Coordinator                                                                                       | 1                   |                                              |                                                            |                                              | Council Meeting 6/14/2022; Resolution No. 70,408-N.S.                                            |
| Program Manager I and II                                                                                                              | 1                   |                                              |                                                            |                                              | Council Meeting 10/12/2021; Resolution No. 70,064-N.S.                                           |
| Diversity, Equity, and Inclusion Officer (Also created new Diversity, Equity and Inclusion Division within the City Manager's Office) | 1                   |                                              |                                                            |                                              | Council Meeting 10/11/2022; Resolution No. 70,560-N.S.                                           |
| Homeless Services Coordinator                                                                                                         | 1                   |                                              |                                                            |                                              | This position was transferred from HHCS to the CM's Office (Neogov req# Requisition# 2021-00369) |
|                                                                                                                                       |                     |                                              |                                                            |                                              |                                                                                                  |

### DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

The Department Appendix, as Amended, is Approved:

|   |
|---|
| X |
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The Form Requires No Amendments:

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Name: Dee Williams-Ridley

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 9/1/2023



## 2023 Department of Information Technology Review Form

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE **NO** CHANGES, COMPLETE **ONLY** THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS         | CATEGORY | DELETE<br><small>(Only delete eliminated positions)</small> | DISCLOSURE CATEGORY CHANGE<br><small>(List new category in notes)</small> | TITLE REVISION<br><small>(List new titles in notes)</small> | NOTES |
|---------------------------------------|----------|-------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------|-------|
| Application Programmer Analyst II     | 1        |                                                             |                                                                           |                                                             |       |
| Customer Service Manager              | 1        |                                                             |                                                                           |                                                             |       |
| Database Administrator                | 1        |                                                             |                                                                           |                                                             |       |
| Director of Information Technology    | 1        |                                                             |                                                                           |                                                             |       |
| Information Security Manager          | 1        |                                                             |                                                                           |                                                             |       |
| Information Systems Manager           | 1        |                                                             |                                                                           |                                                             |       |
| Senior Information Systems Specialist | 1        |                                                             |                                                                           |                                                             |       |
| Senior Management Analyst             | 1        |                                                             |                                                                           |                                                             |       |
| Senior Systems Analyst                | 1        |                                                             |                                                                           |                                                             |       |

## 2023 Department of Information Technology Review Form

| POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021 | CATEGORY (REQUIRED) |  | NOTES                                                  |
|----------------------------------------------|---------------------|--|--------------------------------------------------------|
| Program Manager I and II                     | 1                   |  | Council Meeting 10/12/2021; Resolution No. 70,064-N.S. |
|                                              |                     |  |                                                        |
|                                              |                     |  |                                                        |

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

The Department Appendix, as Amended, is Approved:

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The Form Requires No Amendments:

|   |  |
|---|--|
| X |  |
|---|--|

Name: Kevin Fong

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 6-Sep-23

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE NO CHANGES, COMPLETE ONLY THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS       | CATEGORY | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) |                                              |                                                            | NOTES                   |
|-------------------------------------|----------|------------------------------------------------------------|----------------------------------------------|------------------------------------------------------------|-------------------------|
|                                     |          | DELETE<br>(Only delete eliminated positions)               | TITLE REVISION<br>(List new titles in notes) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) |                         |
| <b>ADMINISTRATION</b>               |          |                                                            |                                              |                                                            |                         |
| Director of Finance                 | 1        |                                                            |                                              |                                                            |                         |
| Senior Systems Analyst              | 1        |                                                            |                                              |                                                            |                         |
| Systems Accountant                  | 1        |                                                            |                                              |                                                            |                         |
| <b>ACCOUNTING DIVISION</b>          |          |                                                            |                                              |                                                            |                         |
| Accounting Manager                  | 1        |                                                            |                                              |                                                            |                         |
| Senior Accountant                   | 2        |                                                            |                                              |                                                            |                         |
| <b>TREASURY DIVISION</b>            |          |                                                            |                                              |                                                            |                         |
| Revenue Development Specialist II   | 1        |                                                            |                                              |                                                            |                         |
| Revenue Development Supervisor      | 1        |                                                            |                                              |                                                            | Vacant since April 2021 |
| Treasury Manager                    | 1        |                                                            |                                              |                                                            |                         |
| <b>REVENUE COLLECTIONS DIVISION</b> |          |                                                            |                                              |                                                            |                         |
| Revenue Collection Manager          | 1        |                                                            |                                              |                                                            |                         |

2023 Finance Department Review Form

| EXISTING DEPARTMENT POSITIONS                       | CATEGORY                   | DELETE<br>(Only delete eliminated positions) |  |  | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) |  | TITLE REVISION<br>(List new titles in notes) |  | NOTES        |
|-----------------------------------------------------|----------------------------|----------------------------------------------|--|--|------------------------------------------------------------|--|----------------------------------------------|--|--------------|
|                                                     |                            | <b>GENERAL SERVICES DIVISION</b>             |  |  |                                                            |  |                                              |  |              |
| Buyer                                               | 1                          |                                              |  |  |                                                            |  |                                              |  |              |
| Contract Administrator                              | 1                          |                                              |  |  |                                                            |  |                                              |  |              |
| General Services Manager                            | 1                          |                                              |  |  |                                                            |  |                                              |  |              |
| Senior Buyer                                        | 1                          |                                              |  |  |                                                            |  |                                              |  |              |
| <b>POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021</b> | <b>CATEGORY (REQUIRED)</b> |                                              |  |  |                                                            |  |                                              |  | <b>NOTES</b> |
|                                                     |                            |                                              |  |  |                                                            |  |                                              |  |              |
|                                                     |                            |                                              |  |  |                                                            |  |                                              |  |              |
|                                                     |                            |                                              |  |  |                                                            |  |                                              |  |              |

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

The Department Appendix, as Amended, is

Approved:

X

The Form Requires No Amendments:

X

Name:

HENRY OYEKAMI

Dept. Director's Affirmation:

I hereby affirm that I personally reviewed this report

Date:

8/15/2023

Page 103 of 130  
**2023 Fire and Emergency services Department Review Form**

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE **NO** CHANGES, COMPLETE **ONLY** THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT  
 2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS                                                              | CATEGORY | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES                                                      |
|--------------------------------------------------------------------------------------------|----------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|------------------------------------------------------------|
| <b>FIRE - OFFICE OF THE CHIEF</b>                                                          |          |                                              |                                                            |                                              |                                                            |
| Administrative & Fiscal Services Manager                                                   | 1        |                                              |                                                            |                                              |                                                            |
| Associate Management Analyst                                                               | 3        |                                              |                                                            |                                              |                                                            |
| Fire Captain I/II                                                                          | 2, 3     | X                                            |                                                            |                                              | This classification does not live within this Division     |
| Fire Chief                                                                                 | 1        |                                              |                                                            |                                              |                                                            |
| <b>TRAINING</b>                                                                            |          |                                              |                                                            |                                              |                                                            |
| Assistant Fire Chief                                                                       | 1        |                                              |                                                            |                                              |                                                            |
| Fire Captain I/II                                                                          | 2, 3     |                                              |                                                            |                                              |                                                            |
| Paramedic Supervisor                                                                       | 2, 3     | X                                            |                                                            |                                              | This classification does not live within this Division     |
| <b>OPERATIONS</b>                                                                          |          |                                              |                                                            |                                              |                                                            |
| Assistant Fire Chief                                                                       | 1        |                                              |                                                            |                                              |                                                            |
| Battalion Chief                                                                            | 1        |                                              |                                                            |                                              |                                                            |
| Deputy Fire Chief                                                                          | 1        |                                              |                                                            |                                              |                                                            |
| Fire Captain I/II                                                                          | 2, 3     |                                              |                                                            |                                              |                                                            |
| <b>FIRE PREVENTION</b>                                                                     |          |                                              |                                                            |                                              |                                                            |
| Assistant Management Analyst                                                               | 2, 4     |                                              |                                                            |                                              |                                                            |
| Deputy Fire Marshal                                                                        | 1        |                                              |                                                            |                                              |                                                            |
| Fire and Life Safety Plans Examiner                                                        | 2, 4     |                                              |                                                            |                                              |                                                            |
| Fire Marshal                                                                               | 1        |                                              |                                                            |                                              |                                                            |
| Fire Prevention Inspectors                                                                 | 2        |                                              |                                                            |                                              |                                                            |
| <b>SPECIAL OPERATIONS DIVISION OFFICE OF EMERGENCY SERVICES/EMERGENCY MEDICAL SERVICES</b> |          |                                              |                                                            |                                              |                                                            |
| These divisions are not tied together                                                      |          |                                              |                                                            |                                              |                                                            |
| Assistant Fire Chief                                                                       | 1        |                                              |                                                            | X                                            | This classification was replaced with a Program Manager II |
| Emergency Services Coordinator                                                             | 4        |                                              |                                                            |                                              |                                                            |
| <b>EMERGENCY MEDICAL SERVICES</b>                                                          |          |                                              |                                                            |                                              |                                                            |
| This division was separated and is now stand-alone                                         |          |                                              |                                                            |                                              |                                                            |
| Assistant Fire Chief                                                                       | 1        |                                              |                                                            |                                              |                                                            |
| Fire Captain I/II                                                                          | 2, 3     |                                              |                                                            |                                              | one existing, one new FTE                                  |
| Paramedic Supervisor                                                                       | 2, 3     |                                              |                                                            |                                              |                                                            |

Page 104 of 130  
**2023 Fire and Emergency Services Department Review Form**

| EXISTING DEPARTMENT POSITIONS                                          | CATEGORY | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES                                                                                                                                                     |
|------------------------------------------------------------------------|----------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| WILDLAND URBAN INTERFACE                                               |          |                                              |                                                            |                                              | This division is new                                                                                                                                      |
| Assistant Fire Chief                                                   | 1        |                                              |                                                            |                                              |                                                                                                                                                           |
| Fire Prevention Inspectors                                             | 2        |                                              |                                                            |                                              |                                                                                                                                                           |
| POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021                           |          | CATEGORY (REQUIRED)                          |                                                            |                                              | NOTES                                                                                                                                                     |
| Program Manager I and II                                               | 1        |                                              |                                                            |                                              | Council Meeting 10/12/2021; Resolution No. 70,064-N.S. [ <a href="#">Add to OES, replace the Assistant Chief</a> ]                                        |
| Principal Program Manager                                              | 1        |                                              |                                                            |                                              | Council Meeting 10/11/2022; Resolution No. 70,559-N.S. [ <a href="#">Add to the Office of the Fire Chief</a> ]                                            |
| Communications Specialist                                              | 4        |                                              |                                                            |                                              | Council Meeting 9/14/2021; Resolution No. 70,019-N.S. [ <a href="#">Add to the Office of the Fire Chief</a> ]                                             |
| Limited Term Emergency Medical Technician                              | n/a      |                                              |                                                            |                                              | Council Meeting 1/18/2022; Resolution No. 70,185-N.S. [ <a href="#">Add to Operations Division - I do not believe they would be required to report.</a> ] |
| Single Function Paramedic                                              | n/a      |                                              |                                                            |                                              | Council Meeting 1/18/2022; Resolution No. 70,186-N.S. [ <a href="#">Add to Operations Division - I do not believe they would be required to report.</a> ] |
| Emergency Medical Services Quality Improvement & Education Coordinator | 2, 3     |                                              |                                                            |                                              | Council Meeting 1/18/2022; Resolution No. 70,187-N.S. [ <a href="#">Add to EMS Division</a> ]                                                             |
| DEPARTMENT HEAD AUTHORIZATION                                          |          |                                              |                                                            |                                              |                                                                                                                                                           |

Mark the appropriate statement

The Department Appendix, as Amended, is Approved:

|   |
|---|
| X |
|   |

The Form Requires No Amendments:

Name: David Sprague

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 8/25/2023

## Health, Housing and Community Services Department Review Form

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE **NO** CHANGES, COMPLETE **ONLY** THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS                           | CATEGORY | DELETE<br><small>(Only delete eliminated positions)</small> | DISCLOSURE CATEGORY CHANGE<br><small>(List new category in notes)</small> | TITLE REVISION<br><small>(List new titles in notes)</small> | NOTES |
|---------------------------------------------------------|----------|-------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------|-------|
| <b>OFFICE OF THE DIRECTOR</b>                           |          |                                                             |                                                                           |                                                             |       |
| Accounting Office Specialist Supervisor                 | 4        |                                                             |                                                                           |                                                             |       |
| Administrative & Fiscal Services Manager                | 1        |                                                             |                                                                           |                                                             |       |
| Associate Management Analyst                            | 2        |                                                             |                                                                           |                                                             |       |
| Community Services Specialist I                         | 4, 6     |                                                             |                                                                           |                                                             |       |
| Community Services Specialist III                       | 4, 6, 8  |                                                             |                                                                           |                                                             |       |
| Deputy Director of Health, Housing & Community Services | 1        |                                                             |                                                                           |                                                             |       |
| Director of Health, Housing & Community Services        | 1        |                                                             |                                                                           |                                                             |       |
| Epidemiologist                                          | 8        |                                                             |                                                                           |                                                             |       |
| Health Officer                                          | 1        |                                                             |                                                                           |                                                             |       |
| Health Services Program Specialist                      | 3        |                                                             |                                                                           |                                                             |       |
| Public Health Program Physician/Deputy Health Officer   | 1, 6     |                                                             |                                                                           |                                                             |       |
| Senior Health Management Analyst                        | 4, 6     |                                                             |                                                                           |                                                             |       |

## Health, Housing and Community Services Department Form Review

| EXISTING DEPARTMENT POSITIONS                  | CATEGORY | DELETE<br><small>(Only delete eliminated positions)</small> | DISCLOSURE CATEGORY CHANGE<br><small>(List new category in notes)</small> | TITLE REVISION<br><small>(List new titles in notes)</small> | NOTES |
|------------------------------------------------|----------|-------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------|-------|
| <b>OFFICE OF THE DIRECTOR (CONT.)</b>          |          |                                                             |                                                                           |                                                             |       |
| Senior Health Services Program Specialist      | 4, 6     |                                                             |                                                                           |                                                             |       |
| Senior Management Analyst                      | 2        |                                                             |                                                                           |                                                             |       |
| Supervising Public Health Nurse                | 4, 6     |                                                             |                                                                           |                                                             |       |
| <b>AGING SERVICES DIVISION</b>                 |          |                                                             |                                                                           |                                                             |       |
| Manager of Aging Services                      | 1        |                                                             |                                                                           |                                                             |       |
| Mental Health Clinical Supervisor              | 4, 6     |                                                             |                                                                           |                                                             |       |
| Senior Citizen Center Director                 | 4, 6     |                                                             |                                                                           |                                                             |       |
| Senior Health Services Program Specialist      | 4, 6     |                                                             |                                                                           |                                                             |       |
| Transportation Services Coordinator            | 4, 6     |                                                             |                                                                           |                                                             |       |
| <b>HOUSING AND COMMUNITY SERVICES DIVISION</b> |          |                                                             |                                                                           |                                                             |       |
| Associate Management Analyst                   | 6        |                                                             |                                                                           |                                                             |       |
| Associate Planner                              | 8        |                                                             |                                                                           |                                                             |       |
| Building Inspector I (Certified)               | 1        |                                                             |                                                                           |                                                             |       |
| Community Development Project Coordinator      | 1        |                                                             |                                                                           |                                                             |       |



## Health, Housing and Community Services Department Form Review

| EXISTING DEPARTMENT POSITIONS                          | CATEGORY | <i>DELETE<br/>(Only delete eliminated positions)</i> | <i>DISCLOSURE CATEGORY CHANGE<br/>(List new category in notes)</i> | <i>TITLE REVISION<br/>(List new titles in notes)</i> | NOTES |
|--------------------------------------------------------|----------|------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------|-------|
| <b>HOUSING AND COMMUNITY SERVICES DIVISION (CONT.)</b> |          |                                                      |                                                                    |                                                      |       |
| Community Services Specialist II & III                 | 8        |                                                      |                                                                    |                                                      |       |
| Homeless Services Coordinator                          | 8        |                                                      |                                                                    |                                                      |       |
| Manager of Housing and Community Services              | 1        |                                                      |                                                                    |                                                      |       |
| Senior Community Development Project Coordinator       | 1        |                                                      |                                                                    |                                                      |       |
| Senior Management Analyst                              | 2        |                                                      |                                                                    |                                                      |       |
| <b>ENVIRONMENTAL HEALTH DIVISION</b>                   |          |                                                      |                                                                    |                                                      |       |
| Environmental Health Supervisor                        | 1        |                                                      |                                                                    |                                                      |       |
| Manager of Environmental Health                        | 1        |                                                      |                                                                    |                                                      |       |
| Registered Environmental Health Specialist             | 8        |                                                      |                                                                    |                                                      |       |
| Senior Environmental Health Specialist                 | 1        |                                                      |                                                                    |                                                      |       |
| Vector Control Technician                              | 8        |                                                      |                                                                    |                                                      |       |
| <b>MENTAL HEALTH DIVISION</b>                          |          |                                                      |                                                                    |                                                      |       |
| Assistant Manager of Mental Health Services            | 1        |                                                      |                                                                    |                                                      |       |
| Community Services Specialist II                       | 4        |                                                      |                                                                    |                                                      |       |

## Health, Housing and Community Services Department Form Review

| EXISTING DEPARTMENT POSITIONS             | CATEGORY | DELETE<br><i>(Only delete eliminated positions)</i> | DISCLOSURE CATEGORY CHANGE<br><i>(List new category in notes)</i> | TITLE REVISION<br><i>(List new titles in notes)</i> | NOTES |
|-------------------------------------------|----------|-----------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------|-------|
| <b>MENTAL HEALTH DIVISION (CONT.)</b>     |          |                                                     |                                                                   |                                                     |       |
| Health Services Program Specialist        | 2        |                                                     |                                                                   |                                                     |       |
| Manager of Mental Health Services         | 1        |                                                     |                                                                   |                                                     |       |
| Mental Health Clinical Supervisor         | 4, 6     |                                                     |                                                                   |                                                     |       |
| Mental Health Program Supervisor          | 2        |                                                     |                                                                   |                                                     |       |
| Supervising Mental Health Nurse           | 4, 6     |                                                     |                                                                   |                                                     |       |
| Supervising Psychiatrist                  | 1        |                                                     |                                                                   |                                                     |       |
| <b>PUBLIC HEALTH DIVISION</b>             |          |                                                     |                                                                   |                                                     |       |
| Community Services Specialist I           | 4, 8     |                                                     |                                                                   |                                                     |       |
| Community Services Specialist III         | 4, 6     |                                                     |                                                                   |                                                     |       |
| Epidemiologist                            | 8        |                                                     |                                                                   |                                                     |       |
| Health Nutrition Program Coordinator      | 4, 6     |                                                     |                                                                   |                                                     |       |
| Health Services Program Specialist        | 3        |                                                     |                                                                   |                                                     |       |
| Health Services Supervisor                | 1        |                                                     |                                                                   |                                                     |       |
| Manager of Public Health Services         | 1        |                                                     |                                                                   |                                                     |       |
| Senior Health Services Program Specialist | 4, 6     |                                                     |                                                                   |                                                     |       |
| Supervising Public Health Nurse           | 4, 6     |                                                     |                                                                   |                                                     |       |

## Health, Housing and Community Services Department Form Review

| EXISTING DEPARTMENT POSITIONS                | CATEGORY            | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES                                                  |
|----------------------------------------------|---------------------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|--------------------------------------------------------|
| POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021 | CATEGORY (REQUIRED) |                                              |                                                            |                                              | NOTES                                                  |
| Program Manager I and II                     | <u>1</u>            |                                              |                                                            |                                              | Council Meeting 10/12/2021; Resolution No. 70,064-N.S. |
| Principal Program Manager                    | <u>1</u>            |                                              |                                                            |                                              | Council Meeting 10/11/2022; Resolution No. 70,559-N.S. |
| Medical Doctor                               | <u>excluded</u>     |                                              |                                                            |                                              | Council Meeting 1/17/2023; Resolution No. 70,660-N.S.  |
|                                              |                     |                                              |                                                            |                                              |                                                        |
|                                              |                     |                                              |                                                            |                                              |                                                        |
|                                              |                     |                                              |                                                            |                                              |                                                        |

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

The Department Appendix, as Amended, is Approved:

|   |
|---|
| ✓ |
|---|

The Form Requires No Amendments:

|  |
|--|
|  |
|--|

Name: Amy Davidson *Am. Davidson*

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: \_\_\_\_\_

Date: 8/17/2023

## Human Resources Department Review Form

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE **NO** CHANGES, COMPLETE **ONLY** THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS                     | CATEGORY | DELETE<br><i>(Only delete eliminated positions)</i> | DISCLOSURE CATEGORY CHANGE<br><i>(List new category in notes)</i> | TITLE REVISION<br><i>(List new titles in notes)</i> | NOTES |
|---------------------------------------------------|----------|-----------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------|-------|
| <b>DEIGNATED EMPLOYEES</b>                        |          |                                                     |                                                                   |                                                     |       |
| Director of Human Resources                       | 1        |                                                     |                                                                   |                                                     |       |
| Employee Relations Manager                        | 1        |                                                     |                                                                   |                                                     |       |
| Equal Employment, Opportunity & Diversity Officer | 1        |                                                     |                                                                   |                                                     |       |
| Human Resources Manager                           | 1        |                                                     |                                                                   |                                                     |       |
| Occupational Health and Safety Officer            | 2, 3     |                                                     |                                                                   |                                                     |       |
| Occupational Health and Safety Specialist         | 3        |                                                     |                                                                   |                                                     |       |
| Senior Human Resources Analyst                    | 2, 3     |                                                     |                                                                   |                                                     |       |
| Training Officer                                  | 2        |                                                     |                                                                   |                                                     |       |
| Worker's Compensation Analyst                     | 3        |                                                     |                                                                   |                                                     |       |
| <b>BENEFITS DIVISION</b>                          |          |                                                     |                                                                   |                                                     |       |
| Associate Human Resources Analyst                 | 3        |                                                     |                                                                   |                                                     |       |



Page 112 of 130  
**Library Department Review Form**

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE **NO** CHANGES, COMPLETE **ONLY** THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS                          | CATEGORY | DELETE<br><i>(Only delete eliminated positions)</i> | DISCLOSURE CATEGORY CHANGE<br><i>(List new category in notes)</i> | TITLE REVISION<br><i>(List new titles in notes)</i> | NOTES |
|--------------------------------------------------------|----------|-----------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------|-------|
| <b>ADMINISTRATION SERVICES</b>                         |          |                                                     |                                                                   |                                                     |       |
| Administrative & Fiscal Services Manager               | 1        |                                                     |                                                                   |                                                     |       |
| Deputy Director of Library Services                    | 1        |                                                     |                                                                   |                                                     |       |
| Director of Library Services                           | 1        |                                                     |                                                                   |                                                     |       |
| <b>CIRCULATION SERVICES DIVISION</b>                   |          |                                                     |                                                                   |                                                     |       |
| Circulation Services Manager                           | 1        |                                                     |                                                                   |                                                     |       |
| <b>CHILDREN'S / NEIGHBORHOOD SERVICES DIVISION</b>     |          |                                                     |                                                                   |                                                     |       |
| Library Services Manager                               | 1        |                                                     |                                                                   |                                                     |       |
| <b>TECHNICAL SERVICES &amp; INFORMATION TECHNOLOGY</b> |          |                                                     |                                                                   |                                                     |       |
| Library Information Systems Administrator              | 1        |                                                     |                                                                   |                                                     |       |
| Library Services Manager                               | 1        |                                                     |                                                                   |                                                     |       |

Page 113 of 130  
**Library Department Review Form**

| EXISTING DEPARTMENT POSITIONS                | CATEGORY            | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES                                            |
|----------------------------------------------|---------------------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|--------------------------------------------------|
| MAINTENANCE DIVISION                         |                     |                                              |                                                            |                                              |                                                  |
| Senior Building Maintenance Supervisor       | 1                   |                                              |                                                            |                                              |                                                  |
| POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021 | CATEGORY (REQUIRED) |                                              |                                                            |                                              | NOTES                                            |
| Program Manager II                           | 1                   |                                              |                                                            |                                              | New Equity, Diversity, and Inclusion PM position |
|                                              |                     |                                              |                                                            |                                              |                                                  |

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

The Department Appendix, as Amended, is Approved:

|    |
|----|
| TM |
|----|

The Form Requires No Amendments:

|  |
|--|
|  |
|--|

Name: Tess Mayer

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 9.6.23

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2021 UPDATE**

1. IF THERE ARE NO CHANGES, COMPLETE ONLY THE SIGNATURE AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS                                | CATEGORY            | DELETE<br>(Only delete eliminated positions) |  |  | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) |  | TITLE REVISION<br>(List new titles in notes) |       | NOTES |
|--------------------------------------------------------------|---------------------|----------------------------------------------|--|--|------------------------------------------------------------|--|----------------------------------------------|-------|-------|
|                                                              |                     |                                              |  |  |                                                            |  |                                              |       |       |
| Director of Police Accountability                            | 1                   |                                              |  |  |                                                            |  |                                              |       |       |
| Office of the Director of Police Accountability Investigator | 1                   |                                              |  |  |                                                            |  |                                              |       |       |
| Police Accountability Board Member                           | 1                   |                                              |  |  |                                                            |  |                                              |       |       |
| POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021                 | CATEGORY (REQUIRED) |                                              |  |  |                                                            |  |                                              | NOTES |       |
| Associate Management Analyst (Policy Analyst)                | 1                   |                                              |  |  |                                                            |  |                                              |       |       |
| Associate Management Analyst (Data Analyst)                  | 1                   |                                              |  |  |                                                            |  |                                              |       |       |
| Associate Management Analyst (Administrative Analyst)        | 1                   |                                              |  |  |                                                            |  |                                              |       |       |

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

The Department Appendix, as Amended, is Approved:

X

The Form Requires No Amendments:

Name: Hansel Aguilar

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 9/6/2023





## PARKS, RECREATION AND WATERFRONT DEPARTMENT REVIEW FORM

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE **NO** CHANGES, COMPLETE **ONLY** THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS                | CATEGORY | DELETE<br><small>(Only delete eliminated positions)</small> | DISCLOSURE CATEGORY CHANGE<br><small>(List new category in notes)</small> | TITLE REVISION<br><small>(List new titles in notes)</small> | NOTES |
|----------------------------------------------|----------|-------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------|-------|
| <b>OFFICE OF THE DIRECTOR</b>                |          |                                                             |                                                                           |                                                             |       |
| Assistant Civil Engineer (Registered)        | 1        |                                                             |                                                                           |                                                             |       |
| Associate Civil Engineer                     | 1        |                                                             |                                                                           |                                                             |       |
| Capital Improvement Programs Manager         | 1        |                                                             |                                                                           |                                                             |       |
| Deputy Director                              | 1        |                                                             |                                                                           |                                                             |       |
| Director of Parks, Recreation and Waterfront | 1        |                                                             |                                                                           |                                                             |       |
| Senior Management Analyst                    | 1        |                                                             |                                                                           |                                                             |       |
| Supervising Civil Engineer                   | 1        |                                                             |                                                                           |                                                             |       |

## PARKS, RECREATION AND WATERFRONT DEPARTMENT REVIEW FORM

| EXISTING DEPARTMENT POSITIONS          | CATEGORY | DELETE<br><i>(Only delete eliminated positions)</i> | DISCLOSURE CATEGORY CHANGE<br><i>(List new category in notes)</i> | TITLE REVISION<br><i>(List new titles in notes)</i> | NOTES |
|----------------------------------------|----------|-----------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------|-------|
| <b>PARKS DIVISION</b>                  |          |                                                     |                                                                   |                                                     |       |
| Building Maintenance Supervisor        | 2, 3     |                                                     |                                                                   |                                                     |       |
| Parks Superintendent                   | 1        |                                                     |                                                                   |                                                     |       |
| Senior Building Maintenance Supervisor | 2, 3     |                                                     |                                                                   |                                                     |       |
| Senior Forestry Supervisor             | 2, 3     |                                                     |                                                                   |                                                     |       |
| Senior Landscape Gardener Supervisor   | 2, 3     |                                                     |                                                                   |                                                     |       |
| <b>RECREATION DIVISION</b>             |          |                                                     |                                                                   |                                                     |       |
| Aquatics Coordinator                   | 3        |                                                     |                                                                   |                                                     |       |
| Aquatics Facilities Supervisor         | 3        |                                                     |                                                                   |                                                     |       |
| Camp Manager                           | 2, 3, 4  |                                                     |                                                                   |                                                     |       |
| Recreation and Youth Services Manager  | 1        |                                                     |                                                                   |                                                     |       |
| Recreation Coordinator                 | 3        |                                                     |                                                                   |                                                     |       |
| Recreation Program Supervisor          | 1        |                                                     |                                                                   |                                                     |       |

# PARKS, RECREATION AND WATERFRONT DEPARTMENT REVIEW FORM

| EXISTING DEPARTMENT POSITIONS                       | CATEGORY                   | DELETE<br><small>(Only delete eliminated positions)</small> | DISCLOSURE CATEGORY CHANGE<br><small>(List new category in notes)</small> | TITLE REVISION<br><small>(List new titles in notes)</small> | NOTES        |
|-----------------------------------------------------|----------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------|--------------|
| <b>WATERFRONT DIVISION</b>                          |                            |                                                             |                                                                           |                                                             |              |
| Harbormaster                                        | 3, 5                       |                                                             |                                                                           |                                                             |              |
| Waterfront Manager                                  | 1                          |                                                             |                                                                           |                                                             |              |
| Waterfront Supervisor                               | 2, 5                       |                                                             |                                                                           |                                                             |              |
| <b>POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021</b> | <b>CATEGORY (REQUIRED)</b> |                                                             |                                                                           |                                                             | <b>NOTES</b> |
|                                                     |                            |                                                             |                                                                           |                                                             |              |
|                                                     |                            |                                                             |                                                                           |                                                             |              |

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

|                                                   |   |
|---------------------------------------------------|---|
| The Department Appendix, as Amended, is Approved: |   |
| The Form Requires No Amendments:                  | X |

Name: F. Scott Ferris



Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 9/11/2023

## Planning and Development Department Review Form

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE **NO** CHANGES, COMPLETE **ONLY** THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS                  | CATEGORY | DELETE<br>(Only delete eliminated positions) |  |  | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) |  | TITLE REVISION<br>(List new titles in notes) |  | NOTES |
|------------------------------------------------|----------|----------------------------------------------|--|--|------------------------------------------------------------|--|----------------------------------------------|--|-------|
|                                                |          |                                              |  |  |                                                            |  |                                              |  |       |
| <b>OFFICE OF THE DIRECTOR / ADMINISTRATION</b> |          |                                              |  |  |                                                            |  |                                              |  |       |
| Administrative and Fiscal Services Manager     | 1        |                                              |  |  |                                                            |  |                                              |  |       |
| Assistant Management Analyst                   | 1        |                                              |  |  |                                                            |  |                                              |  |       |
| Associate Management Analyst                   | 1        |                                              |  |  |                                                            |  |                                              |  |       |
| Community Services Specialist II               | 2, 4     |                                              |  |  |                                                            |  |                                              |  |       |
| Deputy Director of Planning and Development    | 1        |                                              |  |  |                                                            |  |                                              |  |       |
| Director of Planning and Development           | 1        |                                              |  |  |                                                            |  |                                              |  |       |
| <b>PERMIT SERVICE CENTER</b>                   |          |                                              |  |  |                                                            |  |                                              |  |       |
| Permit Center Coordinator                      | 1        |                                              |  |  |                                                            |  |                                              |  |       |
| Permit Specialist                              | 2, 4     |                                              |  |  |                                                            |  |                                              |  |       |
| Senior Permit Specialist                       | 2, 4     |                                              |  |  |                                                            |  |                                              |  |       |

## Planning and Development Department Review Form

| EXISTING DEPARTMENT POSITIONS         | CATEGORY | DELETE<br>(Only delete eliminated positions) |  |  | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) |  | NOTES |
|---------------------------------------|----------|----------------------------------------------|--|--|------------------------------------------------------------|--|-------|
|                                       |          |                                              |  |  | TITLE REVISION<br>(List new titles in notes)               |  |       |
| <b>LAND USE PLANNING DIVISION</b>     |          |                                              |  |  |                                                            |  |       |
| Assistant Planner                     | 1        |                                              |  |  |                                                            |  |       |
| Associate Planner                     | 1        |                                              |  |  |                                                            |  |       |
| Land Use Planning Manager             | 1        |                                              |  |  |                                                            |  |       |
| Planning Technician                   | 1        |                                              |  |  |                                                            |  |       |
| Principal Planner                     | 1        |                                              |  |  |                                                            |  |       |
| Senior Planner                        | 1        |                                              |  |  |                                                            |  |       |
| <b>BUILDING AND SAFETY DIVISION</b>   |          |                                              |  |  |                                                            |  |       |
| Assistant Building and Safety Manager | 1        |                                              |  |  |                                                            |  |       |
| Building and Safety Manager           | 1        |                                              |  |  |                                                            |  |       |
| Building Inspector I & II (Certified) | 2, 4     |                                              |  |  |                                                            |  |       |
| Building Plans Engineer               | 2, 4     |                                              |  |  |                                                            |  |       |
| Building Plans Examiner               | 2, 4     |                                              |  |  |                                                            |  |       |
| Community Services Specialist I & II  | 2, 4     |                                              |  |  |                                                            |  |       |
| Resilient Buildings Program Manager   | 1        |                                              |  |  |                                                            |  |       |

## Planning and Development Department Review Form

| EXISTING DEPARTMENT POSITIONS                       | CATEGORY | DELETE<br>(Only delete eliminated positions) |  |  | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) |  | TITLE REVISION<br>(List new titles in notes) |                                                                                                                                                                        | NOTES |
|-----------------------------------------------------|----------|----------------------------------------------|--|--|------------------------------------------------------------|--|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|                                                     |          |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| <b>BUILDING AND SAFETY DIVISION (CONT.)</b>         |          |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| Senior Building Inspector                           | 2, 4     |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| Senior Building Plans Engineer                      | 2, 4     |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| Supervising Building Inspector                      | 2, 4     |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| <b>TOXICS MANAGEMENT DIVISION</b>                   |          |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| Hazardous Materials Manager                         | 1        |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| Hazardous Materials Specialist I & II               | 3        |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| <b>OFFICE OF ENERGY AND SUSTAINABLE DEVELOPMENT</b> |          |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| Associate Management Analyst                        | 2, 4     |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| Community Services Specialist I, II, III            | 2, 4     |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| Energy Program Manager                              | 1        |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| <b>HOUSING CODE ENFORCEMENT DIVISION</b>            |          |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| Assistant Management Analyst                        | 1        |                                              |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| Housing Inspector                                   | 1        | x                                            |  |  |                                                            |  |                                              | These positions were replaced by the new Housing Inspector classifications below. We don't have anyone in these classifications and they won't be used in the future.. |       |
| Housing Inspector (Certified)                       | 1        | x                                            |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |
| Housing Inspector Supervisor                        | 1        | x                                            |  |  |                                                            |  |                                              |                                                                                                                                                                        |       |

## Planning and Development Department Review Form

| EXISTING DEPARTMENT POSITIONS                | CATEGORY            | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES                                                 |
|----------------------------------------------|---------------------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|-------------------------------------------------------|
| POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021 | CATEGORY (REQUIRED) |                                              |                                                            |                                              |                                                       |
| Assistant Inspector                          | 1                   |                                              |                                                            |                                              | Council Meeting 10/26/21; Resolution No. 70,083 –N.S. |
| Housing Inspector I (Certified)              | 1                   |                                              |                                                            |                                              | Council Meeting 10/26/21; Resolution No. 70,083 –N.S. |
| Housing Inspector II (Certified)             | 1                   |                                              |                                                            |                                              | Council Meeting 10/26/21; Resolution No. 70,083 –N.S. |
| Senior Housing Inspector (Certified)         | 1                   |                                              |                                                            |                                              | Council Meeting 10/26/21; Resolution No. 70,083 –N.S. |
|                                              |                     |                                              |                                                            |                                              |                                                       |
|                                              |                     |                                              |                                                            |                                              |                                                       |
|                                              |                     |                                              |                                                            |                                              |                                                       |
|                                              |                     |                                              |                                                            |                                              |                                                       |

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

The Department Appendix, as Amended, is Approved:

The Form Requires No Amendments:

Name: Jordan Klein

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 9/5/2023

# POLICE DEPARTMENT REVIEW FORM

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE NO CHANGES, COMPLETE ONLY THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS                | CATEGORY            | DELETE<br>(Only delete eliminated positions) |  |  | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes)          | NOTES |
|----------------------------------------------|---------------------|----------------------------------------------|--|--|------------------------------------------------------------|-------------------------------------------------------|-------|
|                                              |                     |                                              |  |  |                                                            |                                                       |       |
| Administrative & Fiscal Services Manager     | 1                   |                                              |  |  |                                                            |                                                       |       |
| Chief of Police                              | 1                   |                                              |  |  |                                                            |                                                       |       |
| Police Captain                               | 1                   |                                              |  |  |                                                            |                                                       |       |
| POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021 | CATEGORY (REQUIRED) |                                              |  |  |                                                            | NOTES                                                 |       |
| Deputy Police Chief                          | 1                   |                                              |  |  |                                                            | Council Meeting 7/25/2023; Resolution No. 70,993-N.S. |       |
|                                              |                     |                                              |  |  |                                                            |                                                       |       |
|                                              |                     |                                              |  |  |                                                            |                                                       |       |

**DEPARTMENT HEAD AUTHORIZATION**

**Mark the appropriate statement**

The Department Appendix, as Amended, is Approved:

|                                     |
|-------------------------------------|
| <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> |

The Form Requires No Amendments:

Name: J. LOUIS

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

*[Signature]* #21

Date: 8/24/23



## Public Works Department Review Form

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**

1. IF THERE ARE **NO** CHANGES, COMPLETE **ONLY** THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT
2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)

| EXISTING DEPARTMENT POSITIONS             | CATEGORY | DELETE<br><i>(Only delete eliminated positions)</i> | DISCLOSURE CATEGORY CHANGE<br><i>(List new category in notes)</i> | TITLE REVISION<br><i>(List new titles in notes)</i> | NOTES |
|-------------------------------------------|----------|-----------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------|-------|
| OFFICE OF THE DIRECTOR                    |          |                                                     |                                                                   |                                                     |       |
| Administrative & Fiscal Services Manager  | 1        |                                                     |                                                                   |                                                     |       |
| Assistant Management Analyst              | 2        |                                                     |                                                                   |                                                     |       |
| Associate Management Analyst              | 2        |                                                     |                                                                   |                                                     |       |
| Community Development Project Coordinator | 1, 4     |                                                     |                                                                   |                                                     |       |
| Deputy Director of Public Works           | 1        |                                                     |                                                                   |                                                     |       |
| Director of Public Works                  | 1        |                                                     |                                                                   |                                                     |       |
| Disability Services Specialist            | 2, 4     |                                                     |                                                                   |                                                     |       |
| Occupational Health and Safety Officer    | 2, 3     |                                                     |                                                                   |                                                     |       |
| Public Works Operations Manager           | 1, 4     |                                                     |                                                                   |                                                     |       |
| Senior Management Analyst                 | 2        |                                                     |                                                                   |                                                     |       |
| Solid (Zero) Waste and Recycling Manager  | 1, 5     |                                                     |                                                                   |                                                     |       |

### Public Works Department Review Form

| EXISTING DEPARTMENT POSITIONS         | CATEGORY | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES |
|---------------------------------------|----------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|-------|
| ENGINEERING DIVISION                  |          |                                              |                                                            |                                              |       |
| Assistant Civil Engineer (Registered) | 2, 4     |                                              |                                                            |                                              |       |
| Assistant Management Analyst          | 3        |                                              |                                                            |                                              |       |
| Assistant Public Works Engineer       | 2        |                                              |                                                            |                                              |       |
| Associate Civil Engineer              | 2, 4     |                                              |                                                            |                                              |       |
| Building Inspector                    | 1, 6     |                                              |                                                            |                                              |       |
| Chief of Party                        | 2        |                                              |                                                            |                                              |       |
| Engineering Inspector                 | 2, 6     |                                              |                                                            |                                              |       |
| Environmental Compliance Specialist   | 2, 4     |                                              |                                                            |                                              |       |
| Junior Public Works Engineer          | 2        |                                              |                                                            |                                              |       |
| Manager of Engineering                | 1, 4     |                                              |                                                            |                                              |       |
| Senior Building Inspector             | 2, 6     |                                              |                                                            |                                              |       |
| Senior Drafting Technician            | 2, 4     |                                              |                                                            |                                              |       |
| Senior Engineering Inspector          | 2, 6     |                                              |                                                            |                                              |       |
| Supervising Civil Engineer            | 1, 4, 6  |                                              |                                                            |                                              |       |

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**Public Works Department Review Form**

| EXISTING DEPARTMENT POSITIONS                       | CATEGORY | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES |
|-----------------------------------------------------|----------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|-------|
| <b>TRANSPORTATION DIVISION</b>                      |          |                                              |                                                            |                                              |       |
| Assistant Management Analyst                        | 2        |                                              |                                                            |                                              |       |
| Assistant Planner                                   | 2, 4     |                                              |                                                            |                                              |       |
| Assistant Transportation Engineer                   | 2, 4     |                                              |                                                            |                                              |       |
| Associate Civil Engineer                            | 2, 4     |                                              |                                                            |                                              |       |
| Associate Planner                                   | 1        |                                              |                                                            |                                              |       |
| Associate Transportation Engineer                   | 2, 4     |                                              |                                                            |                                              |       |
| Deputy Director of Public Works                     | 1        |                                              |                                                            |                                              |       |
| Parking Meter Maintenance and Collection Supervisor | 2        |                                              |                                                            |                                              |       |
| Parking Services Manager                            | 2        |                                              |                                                            |                                              |       |
| Principal Planner                                   | 1        |                                              |                                                            |                                              |       |
| Senior Planner                                      | 1        |                                              |                                                            |                                              |       |
| Senior Public Works Supervisor                      | 3        |                                              |                                                            |                                              |       |
| Supervising Traffic Engineer                        | 1, 4     |                                              |                                                            |                                              |       |
| Traffic Maintenance Supervisor                      | 2        |                                              |                                                            |                                              |       |

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**Public Works Department Review Form**

| EXISTING DEPARTMENT POSITIONS                | CATEGORY | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES |
|----------------------------------------------|----------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|-------|
| <b>ZERO WASTE DIVISION</b>                   |          |                                              |                                                            |                                              |       |
| Associate Management Analyst                 | 2        |                                              |                                                            |                                              |       |
| Environmental Compliance Specialist          | 1        |                                              |                                                            |                                              |       |
| Field Representative                         | 2        |                                              |                                                            |                                              |       |
| Public Works (Zero Waste) Operations Manager | 1, 4, 5  |                                              |                                                            |                                              |       |
| Recycling Program Manager                    | 3, 5     |                                              |                                                            |                                              |       |
| Senior Solid (Zero) Waste Supervisor         | 2        |                                              |                                                            |                                              |       |
| Solid (Zero) Waste and Recycling Manager     | 1, 5     |                                              |                                                            |                                              |       |
| Solid (Zero) Waste Supervisor                | 3, 5     |                                              |                                                            |                                              |       |
| <b>FACILITIES MANAGEMENT DIVISION</b>        |          |                                              |                                                            |                                              |       |
| Building Maintenance Supervisor              | 3, 6     |                                              |                                                            |                                              |       |
| Environmental Compliance Specialist          | 3, 7     |                                              |                                                            |                                              |       |
| Facilities Maintenance Superintendent        | 2, 6     |                                              |                                                            |                                              |       |
| Lead Communications Technician               | 1        |                                              |                                                            |                                              |       |
| Senior Building Maintenance Supervisor       | 3, 6     |                                              |                                                            |                                              |       |
| Senior Electrical Supervisor                 | 1, 4     |                                              |                                                            |                                              |       |

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**Public Works Department Review Form**

| EXISTING DEPARTMENT POSITIONS                       | CATEGORY                   | DELETE<br>(Only delete eliminated positions) |  |  | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes)                                     |  | NOTES |
|-----------------------------------------------------|----------------------------|----------------------------------------------|--|--|------------------------------------------------------------------------------------------------|--|-------|
|                                                     |                            |                                              |  |  |                                                                                                |  |       |
| <b>EQUIPMENT MAINTENANCE DIVISION</b>               |                            |                                              |  |  |                                                                                                |  |       |
| Equipment Maintenance Superintendant                | 2, 4                       |                                              |  |  |                                                                                                |  |       |
| Senior Equipment Supervisor                         | 3                          |                                              |  |  |                                                                                                |  |       |
| <b>STREETS DIVISION</b>                             |                            |                                              |  |  |                                                                                                |  |       |
| Assistant Management Analyst                        | 2, 4                       |                                              |  |  |                                                                                                |  |       |
| Public Works Maintenance Superintendent             | 2                          |                                              |  |  |                                                                                                |  |       |
| Public Works Supervisor                             | 3                          |                                              |  |  |                                                                                                |  |       |
| Senior Public Works Supervisor                      | 3                          |                                              |  |  |                                                                                                |  |       |
| Sewer Maintenance Assistant Supervisor              | 3                          |                                              |  |  |                                                                                                |  |       |
| <b>POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021</b> | <b>CATEGORY (REQUIRED)</b> |                                              |  |  | <b>NOTES</b>                                                                                   |  |       |
| ADA Program Coordinator                             | 2, 4                       |                                              |  |  | Council Meeting 12/6/2022; Resolution No. 70,624–N.S.                                          |  |       |
| Electrical Supervisor                               | 1, 4                       |                                              |  |  | Council Meeting 5/9/2023; Resolution No. 70,820–N.S. (The Facilities Division of Public Works) |  |       |
| Communications Supervisor                           | 1                          |                                              |  |  | Council Meeting 5/9/2023; Resolution No. 70,821–N.S. (The Facilities Division of Public Works) |  |       |
| Engineering Technician                              | 2, 4                       |                                              |  |  | Personnel Board 6/2023, approved by CMO 8/1/2023                                               |  |       |

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**Public Works Department Review Form**

| EXISTING DEPARTMENT POSITIONS | CATEGORY | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES |
|-------------------------------|----------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|-------|
|-------------------------------|----------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|-------|

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

The Department Appendix, as Amended, is  
 Approved:

|   |
|---|
| X |
|---|

The Form Requires No Amendments:

|  |
|--|
|  |
|--|

Name: Liam Garland

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 8/21/2023

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**Rent Stabilization Board Review Form**

**INSTRUCTIONS FOR CONFLICT OF INTEREST CODE 2023 UPDATE**  
**1. IF THERE ARE NO CHANGES, COMPLETE ONLY THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO CITY CLERK DEPARTMENT**  
**2. IF THERE ARE CHANGES, NOTE THE CHANGES ON THE WORKSHEET, COMPLETE THE AFFIRMATION AT THE END OF THE WORKSHEET AND RETURN TO THE CITY CLERK DEPARTMENT (Commission@berkeleyca.gov)**

| EXISTING DEPARTMENT POSITIONS               | CATEGORY | DELETE<br>(Only delete eliminated positions) | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) | TITLE REVISION<br>(List new titles in notes) | NOTES                                              |
|---------------------------------------------|----------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|----------------------------------------------------|
| <b>DESIGNATED OFFICIALS - BOARD MEMBERS</b> |          |                                              |                                                            |                                              |                                                    |
| Commissioners (Board Members)               | 1, 2, 3  |                                              |                                                            |                                              |                                                    |
| <b>DESIGNATED EMPLOYEES</b>                 |          |                                              |                                                            |                                              |                                                    |
| Assistant Management Analyst                | 2, 3     |                                              |                                                            |                                              |                                                    |
| Associate Management Analyst                | 2, 3     |                                              |                                                            |                                              |                                                    |
| Associate Planner                           | 2, 3     |                                              |                                                            |                                              |                                                    |
| Community Services Specialist II            | 2, 3     |                                              |                                                            |                                              |                                                    |
| Community Services Specialist III           | 2, 3     |                                              |                                                            |                                              |                                                    |
| Deputy Director                             | 1, 2, 3  | X                                            |                                                            |                                              | Position eliminated from Rent Board staffing model |
| Executive Director                          | 1, 2, 3  |                                              |                                                            |                                              |                                                    |
| General Counsel                             | 1, 2, 3  |                                              |                                                            |                                              |                                                    |
| Hearing Examiners                           | 2, 3     |                                              |                                                            |                                              |                                                    |

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**Rent Stabilization Board Review Form**

| EXISTING DEPARTMENT POSITIONS                       | CATEGORY                   | DELETE<br>(Only delete eliminated positions) |  |  | DISCLOSURE CATEGORY CHANGE<br>(List new category in notes) |  | TITLE REVISION<br>(List new titles in notes) |                                     | NOTES |
|-----------------------------------------------------|----------------------------|----------------------------------------------|--|--|------------------------------------------------------------|--|----------------------------------------------|-------------------------------------|-------|
|                                                     |                            |                                              |  |  |                                                            |  |                                              |                                     |       |
| <b>DESIGNATED EMPLOYEES (CONT.)</b>                 |                            |                                              |  |  |                                                            |  |                                              |                                     |       |
| Senior Hearing Examiner                             | 2, 3                       |                                              |  |  |                                                            |  |                                              |                                     |       |
| Senior Management Analyst                           | 2, 3                       |                                              |  |  |                                                            |  |                                              |                                     |       |
| Senior Planner                                      | 2, 3                       |                                              |  |  |                                                            |  |                                              |                                     |       |
| Staff Attorneys II & III                            | 1, 2, 3                    |                                              |  |  |                                                            |  |                                              |                                     |       |
| <b>POSITIONS ADDED TO DEPARTMENT SINCE 6/1/2021</b> | <b>CATEGORY (REQUIRED)</b> |                                              |  |  |                                                            |  |                                              | <b>NOTES</b>                        |       |
| Administrative and Fiscal Services Manager          | 2,3                        |                                              |  |  |                                                            |  |                                              | AKA- Finance Director- Added 4/2023 |       |
|                                                     |                            |                                              |  |  |                                                            |  |                                              |                                     |       |
|                                                     |                            |                                              |  |  |                                                            |  |                                              |                                     |       |

**DEPARTMENT HEAD AUTHORIZATION**

Mark the appropriate statement

The Department Appendix, as Amended, is Approved:

|   |
|---|
| X |
|   |

The Form Requires No Amendments:

Name: DeSeana Williams

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 5-Sep-23





City Clerk Department

CONSENT CALENDAR

November 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: 2023 Annual Commission Attendance and Meeting Frequency Report

RECOMMENDATION

Adopt a Resolution approving a revised commission meeting frequency schedule, accepting the 2023 annual commission attendance and meeting frequency report, and rescinding Resolution No. 69,331-N.S.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Each of the City’s commissions that were active during the reporting period submitted an annual attendance report covering the period of September 1, 2022 through August 31, 2023 (Attachment 2). These reports include the number of meetings, meeting cancellations, commissioners in attendance, length of meetings, number of speakers, and members of the public present. The reports also reflect the number of vacant positions on the commission as of August 31, 2023.

On February 28, 2023, the Governor concluded the Declaration of Emergency by the State of California for COVID-19. Consequently, the previously granted exemptions to the Brown Act, which permitted virtual-only meetings of legislative bodies were rescinded. As a result of this change in state law, beginning March 1, 2023 City commissions were required to return to in-person meetings. This information was outlined in the “Return to In-Person Meetings” memorandum issued to commissions on January 19, 2023. Resolution No. 69,331-N.S which established meeting format requirements during the state-declared emergency can be rescinded.

A new resolution is submitted to set the meeting frequency for all commissions that reflects current state law, and reinstates the meeting frequency categories previously adopted by Council. Consistent with the proposed resolution, commissions are divided into four categories (A, B, C, and D) depending on their meeting the criteria of having time-sensitive, legally mandated business to complete. The meeting activity for the reporting period of September 1, 2022, through August 31, 2023, has been broken down by category below.

**Category A** – These commissions will meet on their own schedule.

| <i>Commission</i>                  | <i>Meetings Held</i> | <i>Meetings Cancelled</i> |
|------------------------------------|----------------------|---------------------------|
| Board of Library Trustees          | 14                   | 0                         |
| Design Review Committee            | 11                   | 1                         |
| Fair Campaign Practices Commission | Report not received  |                           |
| Housing Advisory Commission        | 9                    | 1                         |
| Landmarks Preservation Commission  | 12                   | 0                         |
| Open Government Commission         | Report not received  |                           |
| Personnel Board                    | 12                   | 0                         |
| Planning Commission                | 9                    | 2                         |
| Police Accountability Board        | 26                   | 1                         |
| Zoning Adjustments Board           | 15                   | 1                         |

**Category B** – These commissions will have a maximum of ten meetings per year.

| <i>Commission</i>                                 | <i>Meetings Held</i> | <i>Meetings Cancelled</i> |
|---------------------------------------------------|----------------------|---------------------------|
| Civic Arts Commission                             | 10                   | 0                         |
| Commission on Aging                               | 10                   | 0                         |
| Commission on Disability                          | 8                    | 4                         |
| Commission on Labor                               | 6                    | 1                         |
| Commission on the Status of Women                 | 9                    | 1                         |
| Community Health Commission                       | 10                   | 0                         |
| Disaster and Fire Safety Commission               | 10                   | 0                         |
| Environment and Climate Commission                | 10                   | 0                         |
| Homeless Services Panel of Experts                | 13                   | 2                         |
| Human Welfare and Community Action Commission     | 5                    | 6                         |
| Mental Health Commission                          | 9                    | 0                         |
| Parks, Recreation and Waterfront Commission       | 11                   | 1                         |
| Peace and Justice Commission                      | 8                    | 2                         |
| Sugar-Sweetened Beverage Product Panel of Experts | 10                   | 2                         |
| Transportation and Infrastructure Commission      | 10                   | 0                         |
| Youth Commission                                  | 9                    | 0                         |
| Zero Waste Commission                             | 9                    | 0                         |

**Category C** – These commissions will meet as necessary to fulfil their legal requirements as determined by the board chair and/or staff.

| <i>Commission</i>                                          | <i>Meetings Held</i> | <i>Meetings Cancelled</i> |
|------------------------------------------------------------|----------------------|---------------------------|
| Elmwood Business Improvement District Advisory Board       | 2                    | 0                         |
| Loan Administration Board                                  | 3                    | 0                         |
| Solano Avenue Business Improvement District Advisory Board | 4                    | 0                         |

**Category D** – These commissions will have a maximum of six meetings per year.

No commissions currently in Category D

**BACKGROUND**

On June 14, 2005, the City Council discussed the reduction of commission meetings as a cost-savings measure, and adopted a proposal which created three categories of commission meeting schedules, a process for requesting Council approval of any extra meetings, direction to commission secretaries to submit an information report whenever a commission cancels two consecutive meetings for lack of quorum, and an annual attendance report.

On January 15, 2008, Council adopted Resolution No. 63,949–N.S., which updated the commission meeting frequency schedule to include a fourth category of meeting frequency.

On March 17, 2020, the council adopted Resolution No. 69,331–N.S. with the purpose of reducing the number of commission meeting schedules from four categories to two categories. This decision was made in response to the mandatory Shelter-in-Place order imposed as a result of the COVID-19 pandemic. Consequently, most commissions significantly reduced or completely halted their activities in March of 2020.

The proposed resolution aims to restore the meeting frequency categories to their previous count of four categories, as initially adopted by the council prior to the pandemic. The resolution encompasses all modifications resulting from the recent commission reorganization, Charter amendments, and sunset dates.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

**RATIONALE FOR RECOMMENDATION**

The annual commission attendance report informs the Council of commission activity and allows for comparison with the meeting frequency schedule. The annual attendance report documents increased demand on or under-utilization of commissions, and allows Council to make changes to the meeting frequency schedule accordingly.

**CONTACT PERSON**

Mark Numainville, City Clerk, (510) 981-6900

**ATTACHMENTS:**

- 1: Resolution
- 2: 2023 Annual Commission Attendance Reports
  - Exhibit 2a – Category A
  - Exhibit 2b – Category B
  - Exhibit 2c – Category C
- 3: 2023 Approved Leaves of Absence by Commission Report

RESOLUTION NO. XX,XXX–N.S.

2023 COMMISSION MEETING FREQUENCY SCHEDULE

WHEREAS, on June 13, 2005, the City Council adopted a plan which created three categories of meeting schedules and a process for requesting Council or Agenda Committee approval of any extra meetings; and

WHEREAS, Council also directed commission secretaries to submit an information report whenever a commission cancels two consecutive meetings for lack of quorum and an annual attendance report; and

WHEREAS, on January 15, 2008, the City Council adopted a plan which created a fourth category of meeting frequency; and

WHEREAS, adopting a commission meeting schedule will provide commissions with direction to set their respective regular meeting schedules for subsequent years.

WHEREAS, on March 17, 2020, during pandemic, the council adopted a plan which dividing the commissions into two categories, due to the Shelter-in-Place order necessitated by the COVID-19 pandemic, most commissions ceased or greatly scaled back their activities in March of 2020; and

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley directs that commission secretaries shall submit an information report to Council whenever a commission cancels two consecutive meetings for lack of quorum.

BE IT FURTHER RESOLVED that commissions may request that the Council approve extra meetings by placing a report on the City Council agenda for consideration.

BE IT FURTHER RESOLVED that commissions will meet according to the following categories:

- Category A. These commissions will meet on their own schedule.
  - Board of Library Trustees
  - Design Review Committee
  - Fair Campaign Practices Commission/Open Government Commission
  - Housing Advisory Commission
  - Landmarks Preservation Commission
  - Personnel Board
  - Planning Commission
  - Police Accountability Board
  - Zoning Adjustments Board

Category B. These commissions will have a maximum of ten meetings per year.

- Civic Arts Commission
- Commission on Aging
- Commission on Disability
- Commission on Labor
- Commission on the Status of Women
- Community Environmental Advisory Commission
- Community Health Commission
- Disaster and Fire Safety Commission
- Environment and Climate Commission
- Homeless Services Panel of Experts
- Human Welfare and Community Action Commission
- Mental Health Commission
- Parks, Recreation and Waterfront Commission
- Peace and Justice Commission
- Sugar-Sweetened Beverage Product Panel of Experts
- Transportation and Infrastructure Commission
- Youth Commission
- Zero Waste Commission

Category C. These commissions will meet as necessary to fulfill their legal requirements as determined by the board chair and/or staff.

- Elmwood Business Improvement District Advisory Board
- Loan Administration Board
- Solano Avenue Business Improvement District Advisory Board

Category D. These commissions will have a maximum of six meetings per year.

None

BE IT FURTHER RESOLVED that commission secretaries will submit a commission attendance and meeting frequency report for the period September 1st through August 31st to the City Clerk in September of each year.

BE IT FURTHER RESOLVED that a report presenting commission attendance and meeting frequency will be submitted to the City Council for review in November of each year.

BE IT FURTHER RESOLVED that the meeting frequency schedule contained herein shall remain in effect until superseded by Council Resolution.

BE IT FURTHER RESOLVED that Resolution No. 69,331-N.S. is hereby rescinded.

# 2023 Annual Commission Attendance Report

Exhibit 2a. Category A

Reporting Period: September 1, 2022 through August 31, 2023

Vacant seats: 1  
(as of August 31, 2023)

Commission: Board of Library Trustees

Commission Secretary: Tess Mayer

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2021             |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 1/19/2022              | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date                           | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|--------------------------------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/1/2022 Special Meeting via Zoom                |                                      | 5 of 5                | 0              | 0               | 1 hr 57 min    |
| 9/7/2022 Regular Meeting via Zoom                |                                      | 5 of 5                | 12             | 1               | 1 hr 51 min    |
| 10/19/2022 Regular Meeting via Zoom              |                                      | 5 of 5                | 3              | 0               | 1 hr 25 min    |
| 11/2/2022 Regular Meeting via Zoom               |                                      | 4 of 5                | 2              | 0               | 2 hrs 8 min    |
| 11/2/2022 Regular Meeting via Zoom               |                                      | 5 of 5                | 3              | 0               | 1 hr 20 min    |
| 1/4/2023 Regular Meeting via Zoom                |                                      | 4 of 5                | 0              | 0               | 1 hr 59 min    |
| 2/1/2023 Regular Meeting via Zoom                |                                      | 5 of 5                | 2              | 0               | 18 min         |
| 2/1/2023 Special Meeting (BOLT Retreat) via Zoom |                                      | 5 of 5                | 3              | 0               | 1 hr 33 min    |
| 3/1/2023 Regular Meeting in Person               |                                      | 4 of 5                | 1              |                 | 1 hr 45 min    |
| 4/19/2023 Regular BOLT Meeting                   |                                      | 4 of 5                | 3              | 1               | 1 hour         |
| 5/3/2023 Regular BOLT Meeting                    |                                      | 4 of 5                | 8              | 0               | 1 hr 38 min    |
| 5/17/2023 Special BOLT Meeting                   |                                      | 4 of 4                | 0              | 0               | 34 min.        |
| 6/7/2023 Regular BOLT Meeting                    |                                      | 4 of 4                | 3              | 0               | 1 hr 58 min    |
| 7/5/2023 Regular BOLT Meeting                    |                                      | 3 of 4                | 7              | 2               | 1 hr 19 min    |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Design Review Committee

Vacant seats:   0    
(as of August 31, 2023)

**Commission Secretary:** Anne Burns

| Scheduled Meeting Date<br><i>(include both regular and special meetings)</i> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><br>(include temporary appointees; names are not required) | Public Present<br><br>(names are not required) | Public Speakers<br><br>(names are not required) | Meeting Length |
|------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------|-------------------------------------------------|----------------|
| 9/15/2022                                                                    | No                                   | 7 of 7                                                                              | 22                                             | 20                                              | 5 hrs.         |
| 10/20/2022                                                                   | No                                   | 7 of 7                                                                              | 11                                             | 7                                               | 2.5 hrs.       |
| 11/17/2022                                                                   | Yes – no agenda items                | -                                                                                   | -                                              | -                                               | -              |
| 12/15/2022                                                                   | No                                   | 7 of 7                                                                              | 12                                             | 4                                               | 2 hrs.         |
| 1/19/2023                                                                    | No                                   | 7 of 7                                                                              | 23                                             | 11                                              | 3.75 hrs.      |
| 2/16/2023                                                                    | No                                   | 7 of 7                                                                              | 32                                             | 15                                              | 4 hrs.         |
| 3/16/2022                                                                    | No                                   | 6 of 7                                                                              | 18                                             | 12                                              | 3.5 hrs.       |
| 4/20/2022                                                                    | No                                   | 7 of 7                                                                              | 35                                             | 19                                              | 4 hrs.         |
| 5/28/2022                                                                    | No                                   | 7 of 7                                                                              | 17                                             | 12                                              | 3 hrs.         |
| 6/15/2023                                                                    | No                                   | 6 of 6                                                                              | 11                                             | 9                                               | 3 hrs.         |
| 7/20/2023                                                                    | No                                   | 4 of 6                                                                              | 4                                              | 3                                               | 1 hrs.         |
| 8/17/2023                                                                    | No                                   | 6 of 7                                                                              | 20                                             | 12                                              | 3 hrs.         |



# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Housing Advisory Commission

Vacant seats: 0  
(as of August 31, 2023)

**Commission Secretary:** Anna Cash/Mariela Herrick

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><small>(include both regular and special meetings)</small> | Cancelled?<br>If Yes, Provide Reason              | Commissioners Present<br><small>(include temporary appointees; names are not required)</small> | Public Present<br><small>(names are not required)</small> | Public Speakers<br><small>(names are not required)</small> | Meeting Length |
|--------------------------------------------------------------------------------------|---------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|----------------|
| 09/01/2022                                                                           | No                                                | 9 of 9                                                                                         | 8                                                         | 7                                                          | 3.75 hrs.      |
| 10/06/2022                                                                           | No                                                | 7 of 8                                                                                         | 2                                                         | 2                                                          | 2 hrs.         |
| 11/09/2022                                                                           | No                                                | 8 of 9                                                                                         | 3                                                         | 1                                                          | .5 hrs.        |
| 01/05/2023                                                                           | Yes – no agenda items from Commissioners or staff |                                                                                                |                                                           |                                                            |                |
| 02/02/2023                                                                           | No                                                | 6 of 7                                                                                         | 9                                                         | 8                                                          | 1.5 hrs.       |
| 03/02/2023                                                                           | No                                                | 7 of 8                                                                                         | 3                                                         | 2                                                          | 2.5 hrs.       |
| 04/10/2023                                                                           | No                                                | 6 of 7                                                                                         | 1                                                         | 1                                                          | 2 hrs.         |
| 05/04/2023                                                                           | No                                                | 6 of 7                                                                                         | 10                                                        | 3                                                          | 1.5 hrs.       |
| 06/01/2023                                                                           | No                                                | 5 of 7                                                                                         | 8                                                         | 7                                                          | 1.5 hrs.       |
| 07/17/2023                                                                           | No                                                | 7 of 8                                                                                         | 7                                                         | 5                                                          | 3.5 hrs.       |
|                                                                                      |                                                   |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                   |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                   |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                   |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                   |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                   |                                                                                                |                                                           |                                                            |                |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Landmarks Preservation Commission

Vacant seats:   1    
(as of August 31, 2023)

**Commission Secretary:** Fatema Crane

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><small>(include both regular and special meetings)</small> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><small>(include temporary appointees; names are not required)</small> | Public Present<br><small>(names are not required)</small> | Public Speakers<br><small>(names are not required)</small> | Meeting Length |
|--------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|----------------|
| 9/1/2022                                                                             |                                      | 7 of 9                                                                                         | 5                                                         | 3                                                          | 2 hrs.         |
| 10/6/2022                                                                            |                                      | 6 of 9                                                                                         | 13                                                        | 8                                                          | 2.5 hrs.       |
| 11/3/2022                                                                            |                                      | 9 of 9                                                                                         | 21                                                        | 8                                                          | 3 hrs.         |
| 12/1/2022                                                                            |                                      | 9 of 9                                                                                         | 35                                                        | 23                                                         | 4 hrs.         |
| 1/5/2023                                                                             |                                      | 8 of 9                                                                                         | 8                                                         | 4                                                          | 2.5 hrs.       |
| 2/2/2023                                                                             |                                      | 8 of 9                                                                                         | 20                                                        | 6                                                          | 3 hrs.         |
| 3/2/20223                                                                            |                                      | 5 of 9                                                                                         | 25                                                        | 8                                                          | 2.5 hrs.       |
| 3/30/2023                                                                            |                                      | 6 of 9                                                                                         | 27                                                        | 10                                                         | 4 hrs.         |
| 5/4/2023                                                                             |                                      | 9 of 9                                                                                         | 18                                                        | 11                                                         | 2 hrs.         |
| 6/1/23                                                                               |                                      | 8 of 9                                                                                         | 21                                                        | 8                                                          | 2.5 hrs.       |
| 7/6/23                                                                               |                                      | 8 of 9                                                                                         | 53                                                        | 30                                                         | 3.5 hrs.       |
| 8/3/2023                                                                             |                                      | 7 of 9                                                                                         | 9                                                         | 5                                                          | 2.5 hrs.       |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Personnel Board

Vacant seats:   2    
(as of August 31, 2023)

**Commission Secretary:** Aram Kouyoumdjian

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><i>(include both regular and special meetings)</i> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><i>(include temporary appointees; names are not required)</i> | Public Present<br><i>(names are not required)</i> | Public Speakers<br><i>(names are not required)</i> | Meeting Length |
|------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|----------------|
| 9-6-2022                                                                     | No                                   | 7 of 7                                                                                 | 0                                                 | 0                                                  | 1.5 hrs        |
| 10-3-2022                                                                    | No                                   | 6 of 7                                                                                 | 0                                                 | 0                                                  | 32 mins        |
| 11-7-2022                                                                    | No                                   | 6 of 7                                                                                 | 0                                                 | 2                                                  | 1.5 hrs        |
| 12-5-2022                                                                    | No                                   | 7 of 7                                                                                 | 0                                                 | 0                                                  | 37 mins        |
| 1-9-2023                                                                     | No                                   | 7 of 7                                                                                 | 0                                                 | 0                                                  | 1.5 hrs        |
| 2-6-2023                                                                     | No                                   | 7 of 7                                                                                 | 0                                                 | 0                                                  | 44 mins        |
| 3-6-2023                                                                     | No                                   | 6 of 7                                                                                 | 0                                                 | 0                                                  | 1 hr           |
| 4-3-2023                                                                     | No                                   | 5 of 7                                                                                 | 0                                                 | 0                                                  | 1 hr           |
| 5-1-2023                                                                     | No                                   | 7 of 7                                                                                 | 0                                                 | 0                                                  | 1 hr           |
| 6-5-2023                                                                     | No                                   | 5 of 7                                                                                 | 0                                                 | 0                                                  | 1 hr           |
| 7-10-2023                                                                    | No                                   | 4 of 7                                                                                 | 0                                                 | 0                                                  | 45 mins        |
| 8-7-2023                                                                     | No                                   | 6 of 7                                                                                 | 0                                                 | 0                                                  | 1.75 hrs       |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

Commission: Planning Commission

Commission Secretary: Grace Wu and Alisa Shen

Vacant seats: 0  
(as of August 31, 2023)

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><small>(include both regular and special meetings)</small> | Cancelled?<br>If Yes, Provide Reason             | Commissioners Present<br><small>(include temporary appointees; names are not required)</small> | Public Present<br><small>(names are not required)</small> | Public Speakers<br><small>(names are not required)</small> | Meeting Length |
|--------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|----------------|
| 9/7/2022                                                                             | No                                               | 8 of 9                                                                                         | 5                                                         | 1                                                          | 1 hr.          |
| 10/19/2022                                                                           | No                                               | 8 of 8                                                                                         | 14                                                        | 9                                                          | 2.25 hrs.      |
| 11/2/2022                                                                            | No                                               | 8 of 8                                                                                         | 7                                                         | 7                                                          | 1.5 hrs.       |
| 12/7/2022                                                                            | No                                               | 7 of 8                                                                                         | 12                                                        | 10                                                         | 2.5 hrs.       |
| 1/18/2023                                                                            | Yes, Staff conflict with Council special meeting |                                                                                                |                                                           |                                                            |                |
| 2/1/2023                                                                             | No                                               | 9 of 9                                                                                         | 38                                                        | 13                                                         | 3 hrs.         |
| 3/1/2023                                                                             | No                                               | 9 of 9                                                                                         | 24                                                        | 16                                                         | 3.5 hrs.       |
| 4/19/2023                                                                            | No                                               | 9 of 9                                                                                         | 24                                                        | 13                                                         | 2.25 hrs.      |
| 5/3/2023                                                                             | No                                               | 7 of 9                                                                                         | 2                                                         | 2                                                          | 2.25 hrs.      |
| 6/7/2023                                                                             | No                                               | 8 of 9                                                                                         | 8                                                         | 8                                                          | 3.5 hrs.       |
| 7/5/2023                                                                             | Yes - workflow timing                            |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                  |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                  |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                  |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                  |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                  |                                                                                                |                                                           |                                                            |                |



## 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

Commission:  
Commission Secretary:

|                             |                                          |
|-----------------------------|------------------------------------------|
| Police Accountability Board | Vacant Seats:<br>(As of August 31, 2023) |
| Hansel A. Aguilar           | 5 of 10                                  |

| Scheduled Meeting Date        | Cancelled? | Commissioner's Present | Public Present | Public Speakers | Meeting Length (Hours) |
|-------------------------------|------------|------------------------|----------------|-----------------|------------------------|
| Wednesday, September 14, 2022 | No         | 8                      | 18             | 8               | 2.367                  |
| Wednesday, September 28, 2022 | No         | 7                      | 7              | 2               | 1.583                  |
| Friday, September 30, 2022    | No         | 6                      | 4              | 1               | 1.417                  |
| Wednesday, October 12, 2022   | No         | 7                      | 13             | 6               | 2.22                   |
| Tuesday, October 25, 2022     | No         | 8                      | 35             | 11              | 3.63                   |
| Wednesday, November 09, 2022  | No         | 7                      | 26             | 8               | 4.233                  |
| Tuesday, November 15, 2022    | No         | 7                      | 75             | 33              | 1.717                  |
| Monday, November 21, 2022     | No         | 7                      | 15             | 7               | 1.967                  |
| Wednesday, December 07, 2022  | No         | 8                      | 15             | 7               | 3.5                    |
| Wednesday, January 11, 2023   | No         | 7                      | 21             | 4               | 3.033                  |
| Tuesday, January 31, 2023     | No         | 7                      | 10             | 2               | 2.97                   |
| Wednesday, February 08, 2023  | No         | 6                      | 18             | 3               | 1.583                  |
| Wednesday, February 22, 2023  | No         | 6                      | 20             | 3               | 3                      |
| Wednesday, March 08, 2023     | No         | 5                      | 1              | 5               | 2                      |
| Wednesday, March 15, 2023     | No         | 6                      | 11             | 4               | 2                      |
| Saturday, March 25, 2023      | No         | 6                      | 1              | 0               | 7.533                  |
| Wednesday, March 29, 2023     | No         | 6                      | 19             | 4               | 3.02                   |
| Tuesday, April 11, 2023       | No         | 5                      | 11             | 5               | 3.367                  |
| Wednesday, April 26, 2023     | No         | 4                      | 7              | 1               | 2.35                   |
| Wednesday, May 10, 2023       | No         | 5                      | 20             | 10              | 2.933                  |
| Wednesday, May 24, 2023       | No         | 5                      | 10             | 2               | 2.716                  |
| Wednesday, June 07, 2023      | No         | 5                      | 7              | 1               | 2.283                  |
| Friday, June 16, 2023         | No         | 3                      | 9              | 12              | 1.583                  |
| Wednesday, June 21, 2023      | No         | 5                      | 16             | 1               | 3.45                   |
| Wednesday, July 12, 2023      | No         | 4                      | 18             | 3               | 2.583                  |
| Monday, July 24, 2023         | No         | 4                      | 19             | 3               | 2.583                  |
| Tuesday, July 25, 2023        | Yes*       | N/A                    | N/A            | N/A             | N/A                    |

Approved by: \_\_\_\_\_  
Hansel A. Aguilar  
Secretary & Director of Police Accountability

**Notes:**

\* - The meeting date conflicted with a regular meeting of the City Council which required PAB participation.

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

Commission: Zoning Adjustments Board

Vacant seats: 0  
(as of August 31, 2023)

Commission Secretary: Samantha Updegrave / Claudia Garcia

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><small>(include both regular and special meetings)</small> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><small>(include temporary appointees; names are not required)</small> | Public Present<br><small>(names are not required)</small> | Public Speakers<br><small>(names are not required)</small> | Meeting Length |
|--------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|----------------|
| 9/8/2022                                                                             | No                                   | 7 of 9                                                                                         | 18                                                        | 9                                                          | 2.5 hrs        |
| 9/22/2022                                                                            | No                                   | 7 of 8                                                                                         | 32                                                        | 16                                                         | 2.5 hrs        |
| 10/13/2022                                                                           | No                                   | 8 of 8                                                                                         | 41                                                        | 15                                                         | 1.5 hrs        |
| 12/8/2022                                                                            | No                                   | 9 of 9                                                                                         | 38                                                        | 12                                                         | 3.25 hrs       |
| 1/12/2023                                                                            | No                                   | 8 of 8                                                                                         | 52                                                        | 18                                                         | 3.5 hrs        |
| 2/9/2023                                                                             | No                                   | 7 of 9                                                                                         | 27                                                        | 2                                                          | .75 hrs        |
| 2/23/2023                                                                            | No                                   | 8 of 9                                                                                         | 23                                                        | 3                                                          | 1 hr           |
| 3/9/2023                                                                             | No                                   | 9 of 9                                                                                         | 21                                                        | 4                                                          | 1.75 hrs       |
| 3/30/2023                                                                            | No                                   | 7 of 9                                                                                         | 25                                                        | 17                                                         | 3 hrs          |
| 4/27/2023                                                                            | No                                   | 9 of 9                                                                                         | 79                                                        | 27                                                         | 4.75 hrs       |
| 5/11/2023                                                                            | No                                   | 9 of 9                                                                                         | 39                                                        | 29                                                         | 4.25 hrs       |
| 6/8/2023                                                                             | No                                   | 9 of 9                                                                                         | 35                                                        | 14                                                         | 2.25 hrs       |
| 6/22/2023                                                                            | No                                   | 7 of 9                                                                                         | 7                                                         | 1                                                          | 1 hr           |
| 7/13/2023                                                                            | Yes – no agenda items                |                                                                                                |                                                           |                                                            |                |
| 7/27/2023                                                                            | No                                   | 8 of 9                                                                                         | 13                                                        | 3                                                          | .75 hrs        |
| 8/10/2023                                                                            | No                                   | 8 of 9                                                                                         | 14                                                        | 6                                                          | 2.25 hrs       |

# 2023 Annual Commission Attendance Report

Exhibit 2b. Category B

Reporting Period: September 1, 2022 through August 31, 2023

Commission: Civic Arts Commission

Vacant seats: 0  
(as of August 31, 2023)

Commission Secretary: Jennifer Lovvorn

| Scheduled Meeting Date<br><i>(include both regular and special meetings)</i> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><i>(include temporary appointees; names are not required)</i> | Public Present<br><i>(names are not required)</i> | Public Speakers<br><i>(names are not required)</i> | Meeting Length |
|------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|----------------|
| 9/28/22                                                                      |                                      | 8 of 8                                                                                 | 7                                                 | 7                                                  | 2.03 hrs       |
| 10/19/22                                                                     |                                      | 8 of 8                                                                                 | 4                                                 | 4                                                  | 2.43 hrs       |
| 12/7/22                                                                      |                                      | 9 of 9                                                                                 | 32                                                | 18                                                 | 2.85 hrs       |
| 1/18/23                                                                      |                                      | 9 of 9                                                                                 | 3                                                 | 3                                                  | 1.9 hrs        |
| 2/22/23                                                                      |                                      | 9 of 9                                                                                 | 2                                                 | 1                                                  | 1.95 hrs       |
| 3/15/23                                                                      |                                      | 9 of 9                                                                                 | 2                                                 | 1                                                  | 1.67 hrs       |
| 4/26/23                                                                      |                                      | 9 of 9                                                                                 | 2                                                 | 2                                                  | 2.15 hrs       |
| 5/24/23                                                                      |                                      | 8 of 9                                                                                 | 2                                                 | 3                                                  | 2.23 hrs       |
| 6/21/23                                                                      |                                      | 7 of 9                                                                                 | 5                                                 | 4                                                  | 1.6 hrs        |
| 7/19/23                                                                      |                                      | 9 of 9                                                                                 | 6                                                 | 4                                                  | 2.06 hrs       |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Commission on Aging

Vacant seats:   1    
(as of August 31, 2023)

**Commission Secretary:** Tanya Bustamante

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><small>(include both regular and special meetings)</small> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><small>(include temporary appointees; names are not required)</small> | Public Present<br><small>(names are not required)</small> | Public Speakers<br><small>(names are not required)</small> | Meeting Length |
|--------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|----------------|
| 9/21/2022                                                                            | No                                   | 3 of 4                                                                                         | 0                                                         | 0                                                          | 2 hrs.         |
| 10/19/2022                                                                           | No                                   | 3 of 4                                                                                         | 0                                                         | 0                                                          | 2 hrs.         |
| 11/16/2022                                                                           | No                                   | 3 of 4                                                                                         | 4                                                         | 4                                                          | 2 hrs.         |
| 1/18/2023                                                                            | No                                   | 4 of 5                                                                                         | 45                                                        | 5                                                          | 1 hr. 50 min.  |
| 2/15/2023                                                                            | No                                   | 5 of 5                                                                                         | 2                                                         | 1                                                          | 2 hrs.         |
| 3/15/2023                                                                            | No                                   | 4 of 5                                                                                         | 1                                                         | 0                                                          | 2 hrs.         |
| 4/19/2023                                                                            | No                                   | 5 of 6                                                                                         | 1                                                         | 0                                                          | 2 hrs.         |
| 5/17/2023                                                                            | No                                   | 6 of 7                                                                                         | 6                                                         | 5                                                          | 2 hrs. 5 min.  |
| 6/21/2023                                                                            | No                                   | 6 of 7                                                                                         | 8                                                         | 2                                                          | 2 hrs. 10 min. |
| 7/19/2023                                                                            | No                                   | 7 of 8                                                                                         | 9                                                         | 4                                                          | 2 hrs. 7 min.  |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |



# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

Vacant seats: 4  
(as of August 31, 2023)

**Commission:** Commission on Disability

**Commission Secretary:** Andrew Brozyna, then Thomas Gregory as of 5/15/23

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length   |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|------------------|
| 09/07/22               | NO                                   | 2 of 3                | 0              | 3               | 1 hr. 18 mins.   |
| 10/05/22               | YES - Jewish Holiday                 | N/A                   | N/A            | N/A             | N/A              |
| 10/26/22               | NO                                   | 2 of 3                | 2              | 2               | 2 hrs. 19 mins.  |
| No Mtg in NOV.         | N/A                                  | N/A                   | N/A            | N/A             | N/A              |
| 12/21/22               | YES – No Quorum                      | N/A                   | N/A            | N/A             | N/A              |
|                        |                                      |                       |                |                 |                  |
| 01/11/23               | NO                                   | 2 of 2                | 4              | 6               | 2 hrs., 55 mins. |
| 01/18/23               | NO                                   | 2 of 2                | 18             | 22              | 3 hrs., 12 mins. |
| 02/01/23               | NO                                   | 2 of 2                | 5              | 5               | 2 hrs., 55 mins. |
| 03/01/23               | YES – No Quorum                      | N/A                   | N/A            | N/A             | N/A              |
| No Mtg in APR.         | N/A                                  | N/A                   | N/A            | N/A             | N/A              |
| 05/03/23               | YES – No Quorum                      | N/A                   | N/A            | N/A             | N/A              |
| 06/07/23               | NO                                   | 4 of 5                | 0              | 1               | 2 hrs., 42 mins  |
| 07/12/23               | NO                                   | 3 of 5                | 2              | 2               | 2 hrs., 30 mins. |
| 08/09/23               | NO                                   | 3 of 5                | 1              | 1               | 2 hrs., 40 mins. |
|                        |                                      |                       |                |                 |                  |
|                        |                                      |                       |                |                 |                  |
|                        |                                      |                       |                |                 |                  |
|                        |                                      |                       |                |                 |                  |
|                        |                                      |                       |                |                 |                  |



# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Commission on the Status of Women

Vacant seats:   1    
(as of August 31, 2023)

**Commission Secretary:** Okeya Vance-Dozier

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><i>(include both regular and special meetings)</i> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><i>(include temporary appointees; names are not required)</i> | Public Present<br><i>(names are not required)</i> | Public Speakers<br><i>(names are not required)</i> | Meeting Length  |
|------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|-----------------|
| 9/21/2022                                                                    |                                      | 4 of 5                                                                                 | 1                                                 | 1                                                  | 1 hr. 10 mins.  |
| 10/19/2022                                                                   |                                      | 3 of 4                                                                                 |                                                   |                                                    | 1 hr. 50 mins.  |
| 1/18/2023                                                                    |                                      | 3 of 4                                                                                 | 1                                                 | 1                                                  | 50 mins.        |
| 2/15/2023                                                                    |                                      | 5 of 5                                                                                 | 4                                                 | 0                                                  | 1 hr. 34 mins.  |
| 3/15/2023                                                                    |                                      | 3 of 6                                                                                 | 1                                                 | 1                                                  | 2 hrs. 29 mins. |
| 4/19/2023                                                                    |                                      | 3 of 7                                                                                 |                                                   |                                                    | 44 mins.        |
| 5/17/2023                                                                    |                                      | 7 of 9                                                                                 | 1                                                 | 1                                                  | 2 hrs. 48 mins. |
| 6/21/2023                                                                    | Yes- posting deadline                |                                                                                        |                                                   |                                                    |                 |
| 7/26/2023                                                                    |                                      | 5 of 7                                                                                 |                                                   |                                                    | 2 hrs. 1 min.   |
| 8/30/2023                                                                    |                                      | 6 of 7                                                                                 | 3                                                 | 2                                                  | 2 hrs. 13 mins. |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                 |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                 |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                 |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                 |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                 |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Community Health Commission

Vacant seats: 2  
(as of August 31, 2023)

**Commission Secretary:** Kellie Knox

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><i>(include both regular and special meetings)</i> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><i>(include temporary appointees; names are not required)</i> | Public Present<br><i>(names are not required)</i> | Public Speakers<br><i>(names are not required)</i> | Meeting Length |
|------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|----------------|
| 9/22/22                                                                      | No                                   | 7                                                                                      | 0                                                 | 0                                                  | 2.3 hours      |
| 10/27/22                                                                     | No                                   | 7                                                                                      | 3                                                 | 1                                                  | 2.3 hours      |
| 11/29/22                                                                     | No                                   | 6                                                                                      | 3                                                 | 3                                                  | 2.75 hours     |
| 1/26/23                                                                      | No                                   | 7                                                                                      | 1                                                 | 1                                                  | 2.5 hours      |
| 2/23/23                                                                      | No                                   | 6                                                                                      | 0                                                 | 0                                                  | 2.5 hours      |
| 3/23/23                                                                      | No                                   | 7                                                                                      | 0                                                 | 0                                                  | 2.3 hours      |
| 4/27/23                                                                      | No                                   | 7                                                                                      | 0                                                 | 0                                                  | 2.5 hours      |
| 5/25/23                                                                      | No                                   | 7                                                                                      | 7                                                 | 7                                                  | 2 hours        |
| 6/22/23                                                                      | No                                   | 4                                                                                      | 1                                                 | 1                                                  | 2.2 hours      |
| 7/27/23                                                                      | No                                   | 4                                                                                      | 0                                                 | 0                                                  | 1.75 hours     |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |

# 2023 Annual Commission Attendance Rep

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Disaster and Fire Safety Commission

**Commission Secretary:** Chief Keith May

Vacant seats: 2  
(as of August 31, 2023)

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><small>(include both regular and special meetings)</small> | Cancelled?<br>If Yes, Provide Reason                      | Commissioners Present<br><small>(include temporary appointees; names are not required)</small> | Public Present<br><small>(names are not required)</small> | Public Speakers<br><small>(names are not required)</small> | Meeting Length |
|--------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|----------------|
| 9/28/2022                                                                            |                                                           | 7 of 8                                                                                         | 12                                                        | 3                                                          | 2.5 hours      |
| 10/26/22                                                                             |                                                           | 6 of 8                                                                                         | 6                                                         | 5                                                          | 2 hours        |
| 12/7/22                                                                              |                                                           | 5 of 8                                                                                         | 16                                                        | 4                                                          | 2 hours        |
| 1/25/23                                                                              |                                                           | 7 of 8                                                                                         | 23                                                        | 16                                                         | 2.5 hours      |
| 2/22/23                                                                              |                                                           | 4 of 6                                                                                         | 8                                                         | 3                                                          | 2 hours        |
| 3/22/23                                                                              |                                                           | 6 of 7                                                                                         | 5                                                         | 3                                                          | 2.25 hours     |
| 4/26/23                                                                              |                                                           | 5 of 7                                                                                         | 4                                                         | 0                                                          | 2.5 hours      |
| 5/24/23                                                                              |                                                           | 6 of 8                                                                                         | 3                                                         |                                                            | 2.75           |
| 6/28/23                                                                              | Rescheduled to 7/13 due to date of religious significance |                                                                                                |                                                           |                                                            |                |
| 7/13/23                                                                              |                                                           | 5 of 7                                                                                         | 3                                                         |                                                            | 1.5 hours      |
| 8/2/23                                                                               |                                                           | 6 of 7                                                                                         | 6                                                         |                                                            | 2 hours        |
|                                                                                      |                                                           |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                           |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                           |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                           |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                                           |                                                                                                |                                                           |                                                            |                |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Environment and Climate Commission

**Commission Secretary:** Billi Romain

Vacant seats: 0  
(as of August 31, 2023)

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><small>(include both regular and special meetings)</small> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><small>(include temporary appointees; names are not required)</small> | Public Present<br><small>(names are not required)</small> | Public Speakers<br><small>(names are not required)</small> | Meeting Length |
|--------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|----------------|
| 9/28/2022                                                                            | No                                   | 8 of 8                                                                                         | 5                                                         | 1                                                          | 2.5 hrs        |
| 10/19/2022                                                                           | No                                   | 8 of 8                                                                                         | 5                                                         | 0                                                          | 2.5 hrs        |
| 11/30/2022                                                                           | No                                   | 9 of 9                                                                                         | 2                                                         | 1                                                          | 1.25 hrs       |
| 1/18/2023                                                                            | No                                   | 8 of 9                                                                                         | 2                                                         | 1                                                          | 2 hrs          |
| 2/22/2023                                                                            | No                                   | 9 of 9                                                                                         | 8                                                         | 0                                                          | 2 hrs          |
| 3/29/2023                                                                            | No                                   | 7 of 9                                                                                         | 1                                                         | 1                                                          | 2 hrs          |
| 4/26/2023                                                                            | No                                   | 8 of 9                                                                                         | 0                                                         | 0                                                          | 1.5 hrs        |
| 5/24/2023                                                                            | No                                   | 6 of 9                                                                                         | 4                                                         | 3                                                          | 2 hrs          |
| 6/21/2023                                                                            | No                                   | 9 of 9                                                                                         | 3                                                         | 3                                                          | 2 hrs          |
| 7/19/2023                                                                            | No                                   | 8 of 9                                                                                         | 2                                                         | 0                                                          | 1.75 hrs       |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |

# 2023 Annual Commission Attendance Rep

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Homeless Services Panel of Experts

**Commission Secretary:** Josh Jacobs

Vacant seats: 1  
(as of August 31, 2023)

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><i>(include both regular and special meetings)</i> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><br><i>(include temporary appointees; names are not required)</i> | Public Present<br><br><i>(names are not required)</i> | Public Speakers<br><br><i>(names are not required)</i> | Meeting Length |
|------------------------------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------|----------------|
| 9.7.22                                                                       | No                                   | 6 of 7                                                                                     | 4                                                     | 0                                                      | 2 hrs.         |
| 10.12.22                                                                     | No                                   | 6 of 7                                                                                     | 5                                                     | 0                                                      | 2 hrs.         |
| 11.2.22                                                                      | No                                   | 7 of 7                                                                                     | 5                                                     | 1                                                      | 2 hrs.         |
| 1.4.23                                                                       | No                                   | 6 of 7                                                                                     | 12                                                    | 0                                                      | 2.5 hrs        |
| 2.1.23                                                                       | No                                   | 6 of 7                                                                                     | 11                                                    | 0                                                      | 2 hrs.         |
| 3.1.23                                                                       | Yes, agenda posting error            | n/a                                                                                        | n/a                                                   | n/a                                                    | n/a            |
| 3.8.23                                                                       | No                                   | 5 of 7                                                                                     | 0                                                     | 0                                                      | 2 hrs          |
| 4.12.23                                                                      | Yes, rescheduled for guest speaker   | n/a                                                                                        | n/a                                                   | n/a                                                    | n/a            |
| 4.18.23                                                                      | No                                   | 8 of 9                                                                                     | 4                                                     | 2                                                      | 2 hrs.         |
| 4.26.23                                                                      | No                                   | 7 of 8                                                                                     | 7                                                     | 5                                                      | 2 hrs          |
| 5.3.23                                                                       | No                                   | 5 of 8                                                                                     | 1                                                     | 0                                                      | 2.5 hrs        |
| 5.10.23                                                                      | No                                   | 5 of 8                                                                                     | 2                                                     | 0                                                      | 2 hrs          |
| 5.31.23                                                                      | No                                   | 6 of 8                                                                                     | 2                                                     | 0                                                      | 2 hrs.         |
| 6.7.23                                                                       | No                                   | 5 of 8                                                                                     | 3                                                     | 1                                                      | 2 hrs.         |
| 7.13.23                                                                      | No                                   | 8 of 8                                                                                     | 1                                                     | 0                                                      | 2 hrs.         |
|                                                                              |                                      |                                                                                            |                                                       |                                                        |                |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Human Welfare and Community Action Commission

Vacant seats: 13  
(as of August 31, 2023)

**Commission Secretary:** Mary-Claire Katz

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><i>(include both regular and special meetings)</i> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><i>(include temporary appointees; names are not required)</i> | Public Present<br><i>(names are not required)</i> | Public Speakers<br><i>(names are not required)</i> | Meeting Length |
|------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|----------------|
| 9/21/22                                                                      | Cancelled – no quorum                |                                                                                        |                                                   |                                                    |                |
| 10/19/22                                                                     | No                                   | 4 of 15                                                                                | 1                                                 | 1                                                  | 2 hrs          |
| 11/16/23                                                                     | Cancelled – no quorum                |                                                                                        |                                                   |                                                    |                |
| 1/18/23                                                                      | No                                   | 5 of 15                                                                                | 0                                                 | 0                                                  | 2 hrs          |
| 2/8/23                                                                       | No                                   | 3 of 15                                                                                | 0                                                 | 0                                                  | 1 hr           |
| 3/15/23                                                                      | Cancelled – no quorum                |                                                                                        |                                                   |                                                    |                |
| 4/19/23                                                                      | No                                   | 2 of 15                                                                                | 0                                                 | 0                                                  | 2 hrs          |
| 5/17/23                                                                      | Cancelled – no quorum                |                                                                                        |                                                   |                                                    |                |
| 6/21/23                                                                      | No                                   | 2 of 15                                                                                | 2                                                 | 2                                                  | 1 hr           |
| 7/19/23                                                                      | Cancelled – no quorum                |                                                                                        |                                                   |                                                    |                |
| 9/23/23                                                                      | Cancelled – no quorum                |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |





# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Parks, Recreation, and Waterfront

Vacant seats:   0    
(as of August 31, 2023)

**Commission Secretary:** Roger Miller

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><i>(include both regular and special meetings)</i> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><i>(include temporary appointees; names are not required)</i> | Public Present<br><i>(names are not required)</i> | Public Speakers<br><i>(names are not required)</i> | Meeting Length |
|------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|----------------|
| 9/14/2022                                                                    |                                      | 7 of 9                                                                                 | 15                                                | 10                                                 | 2.5 hrs        |
| 10/12/2022                                                                   |                                      | 7 of 9                                                                                 | 5                                                 | 4                                                  | 2.0 hrs        |
| 11/9/2022                                                                    |                                      | 6 of 9                                                                                 | 13                                                | 7                                                  | 2.0 hrs        |
| 12/14/2022                                                                   |                                      | 9 of 9                                                                                 | 7                                                 | 5                                                  | 3.0 hrs        |
| 1/11/2023                                                                    |                                      | 7 of 9                                                                                 | 11                                                | 12                                                 | 3.0 hrs        |
| 2/8/2023                                                                     |                                      | 8 of 9                                                                                 | 7                                                 | 3                                                  | 2.0 hrs        |
| 3/8/2023                                                                     |                                      | 7 of 9                                                                                 | 11                                                | 7                                                  | 2.5 hrs        |
| 4/12/2023                                                                    |                                      | 8 of 9                                                                                 | 45                                                | 18                                                 | 3.5 hrs        |
| 5/10/2023                                                                    |                                      | 9 of 9                                                                                 | 12                                                | 13                                                 | 3.0 hrs        |
| 6/21/2023                                                                    |                                      | 7 of 8                                                                                 | 8                                                 | 10                                                 | 2.5 hrs        |
| 7/12/2023                                                                    |                                      | 9 of 9                                                                                 | 24                                                | 17                                                 | 2.5 hrs        |
| Aug '23 – not scheduled                                                      |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Peace and Justice

Vacant seats:   10    
(as of August 31, 2023)

**Commission Secretary:**   Okeya Vance-Dozier  

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><i>(include both regular and special meetings)</i> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><i>(include temporary appointees; names are not required)</i> | Public Present<br><i>(names are not required)</i> | Public Speakers<br><i>(names are not required)</i> | Meeting Length  |
|------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|-----------------|
| 9/19/2022                                                                    |                                      | 7 of 9                                                                                 | 3                                                 | 3                                                  | 2 hrs. 5 mins   |
| 10/17/2022                                                                   |                                      | 7 of 9                                                                                 | 5                                                 | 2                                                  | 2 hrs. 20 mins. |
| 11/7/2022                                                                    |                                      | 9 of 9                                                                                 | 3                                                 | 2                                                  | 2 hrs. 20 mins. |
| 1/9/2023                                                                     |                                      | 8 of 9                                                                                 | 3                                                 | 3                                                  | 3 hrs. 10 mins. |
| 2/6/2023                                                                     |                                      | 6 of 8                                                                                 | 2                                                 | 2                                                  | 3 hrs           |
| 3/6/2023                                                                     |                                      | 7 of 8                                                                                 | 0                                                 | 0                                                  | 2.5 hrs.        |
| 4/17/2023                                                                    | Yes- schedule conflict               |                                                                                        |                                                   |                                                    |                 |
| 5/1/2023                                                                     |                                      | 5 of 7                                                                                 | 3                                                 | 2                                                  | 1 hr. 45 mins.  |
| 6/5/2023                                                                     |                                      | 3 of 5                                                                                 | 1                                                 | 1                                                  | 2 hrs. 45 mins. |
| 7/10/2023                                                                    | Yes- schedule conflict               |                                                                                        |                                                   |                                                    |                 |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                 |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                 |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                 |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                 |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                 |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                 |

## 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

Commission: Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE)

Vacant seats: 4  
(as of August 31, 2023)

Commission Secretary: Roberto Terrones

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><i>(include both regular and special meetings)</i> | Cancelled?<br>If Yes, Provide Reason                                                  | Commissioners Present<br><i>(include temporary appointees; names are not required)</i> | Public Present<br><i>(names are not required)</i> | Public Speakers<br><i>(names are not required)</i> | Meeting Length |
|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|----------------|
| 09/15/2022                                                                   | No                                                                                    | 7 of 8                                                                                 | 0                                                 | 0                                                  | 1.92 hrs.      |
| 10/20/2022                                                                   | No                                                                                    | 5 of 8                                                                                 | 6                                                 | 0                                                  | 1.82 hrs.      |
| 11/17/2022                                                                   | No                                                                                    | 6 of 8                                                                                 | 0                                                 | 0                                                  | 2.0 hrs.       |
| 01/19/2023                                                                   | No                                                                                    | 7 of 8                                                                                 | 0                                                 | 0                                                  | 1.88 hrs.      |
| 02/16/2023                                                                   | No                                                                                    | 5 of 5                                                                                 | 0                                                 | 0                                                  | 1.5 hrs.       |
| 03/02/2023<br><i>(Special)</i>                                               | No                                                                                    | 5 of 7                                                                                 | 1                                                 | 0                                                  | 1.3 hrs.       |
| 03/16/2023                                                                   | No                                                                                    | 2 of 4                                                                                 | 0                                                 | 0                                                  | 0.58 hrs.      |
| 04/20/2023                                                                   | No                                                                                    | 4 of 6                                                                                 | 0                                                 | 0                                                  | 1.25 hrs.      |
| 05/18/2023                                                                   | No                                                                                    | 5 of 6                                                                                 | 0                                                 | 0                                                  | 1.75 hrs.      |
| 06/05/2023<br><i>(Special)</i>                                               | No                                                                                    | 5 of 6                                                                                 | 0                                                 | 0                                                  | 2.0 hrs.       |
| 06/15/2023                                                                   | Yes; Cancelled in order not to exceed maximum number of Commission meetings per year. | N/A                                                                                    | N/A                                               | N/A                                                | N/A            |
| 07/20/2023                                                                   | Yes; Cancelled in order not to exceed maximum number of Commission meetings per year. | N/A                                                                                    | N/A                                               | N/A                                                | N/A            |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

**Commission:** Transportation and Infrastructure Commission

Vacant seats: 0  
(as of August 31, 2023)

**Commission Secretary:** Hamid Mostowfi, Ron Nevels

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><i>(include both regular and special meetings)</i> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><i>(include temporary appointees; names are not required)</i> | Public Present<br><i>(names are not required)</i> | Public Speakers<br><i>(names are not required)</i> | Meeting Length |
|------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|----------------|
| 9-15-22                                                                      | No                                   | 8 of 8                                                                                 | 5                                                 | 4                                                  | 2:30           |
| 10-22-22                                                                     | No                                   | 6 of 8                                                                                 | 30                                                | 8                                                  | 3:40           |
| 11-17-22                                                                     | No                                   | 8 of 8                                                                                 | 0                                                 | 0                                                  | 3:15           |
| December 2022                                                                | No meeting scheduled                 | n/a                                                                                    | n/a                                               | n/a                                                | n/a            |
| 1-19-23                                                                      | No                                   | 9 of 9                                                                                 | 101                                               | 58                                                 | 5:50           |
| 2-16-23                                                                      | No                                   | 9 of 9                                                                                 | 5                                                 | 3                                                  | 3:00           |
| 3-16-23                                                                      | No                                   | 8 of 9                                                                                 | 3                                                 | 2                                                  | 2:40           |
| 4-20-23                                                                      | No                                   | 9 of 9                                                                                 | 3                                                 | 2                                                  | 2:30           |
| 5-18-23                                                                      | No                                   | 8 of 9                                                                                 | 6                                                 | 2                                                  | 2:50           |
| 6-15-23                                                                      | No                                   | 9 of 9                                                                                 | 6                                                 | 3                                                  | 3:05           |
| 7-20-23                                                                      | No                                   | 7 of 9                                                                                 | 1                                                 | 1                                                  | 2:50           |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |
|                                                                              |                                      |                                                                                        |                                                   |                                                    |                |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

Commission: Youth Commission

Vacant seats: 4  
(as of August 31, 2023)

Commission Secretary: Ginsi Bryant

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2022             | No                                   | 8 of 9                | 5              | 3               | 2.5 hrs.       |
| 1/19/2023              | Yes – no quorum                      | 9 of 9                | 3              | 1               | 3 hrs.         |

| Scheduled Meeting Date<br><small>(include both regular and special meetings)</small> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present<br><small>(include temporary appointees; names are not required)</small> | Public Present<br><small>(names are not required)</small> | Public Speakers<br><small>(names are not required)</small> | Meeting Length |
|--------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|----------------|
| 9/12/22                                                                              | No                                   | 5 of 5                                                                                         | 0                                                         |                                                            | 30 min         |
| 10/11/22                                                                             | No                                   | 4 of 5                                                                                         | 3                                                         |                                                            | 1hr 21 min     |
| 11/14/22                                                                             | No                                   | 3 of 5                                                                                         | 1                                                         |                                                            | 40 min         |
| 12/12/22                                                                             | No                                   | 4 of 5                                                                                         | 2                                                         |                                                            | 56 min         |
| 1/9/23                                                                               | No                                   | 5 of 6                                                                                         | 0                                                         |                                                            | 56 min         |
| 2/14/23                                                                              | No                                   | 6 of 6                                                                                         | 1                                                         |                                                            | 44 min         |
| 3/13/23                                                                              | No                                   | 6 of 7                                                                                         | 0                                                         |                                                            | 40 min         |
| 4/10/23                                                                              | No                                   | 7 of 8                                                                                         | 0                                                         |                                                            | 38 min         |
| 5/8/23                                                                               | No                                   | 8 of 9                                                                                         | 2                                                         |                                                            | 27 min         |
| June – No Meeting                                                                    |                                      |                                                                                                |                                                           |                                                            |                |
| July- No Meeting                                                                     |                                      |                                                                                                |                                                           |                                                            |                |
| August – No Meeting                                                                  |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |
|                                                                                      |                                      |                                                                                                |                                                           |                                                            |                |

# 2023 Annual Commission Attendance Report

Reporting Period: September 1, 2022 through August 31, 2023

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    1    </u><br>(as of August 31, 2023) |
|-----------------------------------------------------------|

**Commission:**     Zero Waste Commission    

**Commission Secretary:**     Julia Heath (effective Jan 2, 2023)    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 10/10/2021             |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 1/19/2022              | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date<br><small>(include both regular and special meetings)</small> | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|--------------------------------------------------------------------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/26/2022                                                                            | Yes – Rosh Hashanah                  |                       |                |                 |                |
| 10/24/2022                                                                           |                                      | 7 of 7                | 11             | 0               | 1 hrs          |
| 11/29/2022                                                                           |                                      | 6 of 7                | 5              | 1               | 2 hrs          |
| 1/24/2023                                                                            |                                      | 5 of 6                | 9              | 5               | 2 hrs          |
| 2/28/2023                                                                            |                                      | 6 of 6                | 9              | 5               | 2 hrs          |
| 3/28/2023                                                                            |                                      | 6 of 7                | 5              | 5               | 2 hrs          |
| 4/25/2023                                                                            |                                      | 5 of 7                | 5              | 6               | 2 hrs          |
| 5/23/2023                                                                            |                                      | 5 of 7                | 7              | 3               | 2 hrs          |
| 6/27/2023                                                                            |                                      | 6 of 8                | 5              | 2               | 2 hrs          |
| 7/25/2023                                                                            |                                      | 6 of 8                | 5              | 1               | 2 hrs          |
| August – no meeting                                                                  | Commission on recess                 |                       |                |                 |                |
|                                                                                      |                                      |                       |                |                 |                |
|                                                                                      |                                      |                       |                |                 |                |
|                                                                                      |                                      |                       |                |                 |                |
|                                                                                      |                                      |                       |                |                 |                |
|                                                                                      |                                      |                       |                |                 |                |
|                                                                                      |                                      |                       |                |                 |                |
|                                                                                      |                                      |                       |                |                 |                |













| <b>Approved Leaves of Absence Granted During the Period<br/>September 1, 2022 - August 31, 2023</b> |                         |
|-----------------------------------------------------------------------------------------------------|-------------------------|
| <b>Commission</b>                                                                                   | <b># Leaves granted</b> |
| Board of Library Trustees                                                                           | 0                       |
| Civic Arts Commission                                                                               | 1                       |
| Commission on Aging                                                                                 | 6                       |
| Commission on Disability                                                                            | 1                       |
| Commission on Labor                                                                                 | 2                       |
| Commission on the Status of Women                                                                   | 5                       |
| Community Health Commission                                                                         | 11                      |
| Design Review Committee                                                                             | 0                       |
| Disaster and Fire Safety Commission                                                                 | 6                       |
| Elmwood Business Improvement District Advisory Board                                                | 1                       |
| Environment and Climate Commission                                                                  | 8                       |
| Fair Campaign Practices Commission                                                                  | 2                       |
| Homeless Services Panel of Experts                                                                  | 3                       |
| Housing Advisory Commission                                                                         | 8                       |
| Human Welfare and Community Action Commission                                                       | 1                       |
| Landmarks Preservation Commission                                                                   | 14                      |
| Loan Administration Board                                                                           | 2                       |
| Mental Health Commission                                                                            | 0                       |
| Open Government Commission                                                                          | 0                       |
| Parks, Recreation and Waterfront Commission                                                         | 15                      |
| Peace and Justice Commission                                                                        | 8                       |
| Personnel Board                                                                                     | 7                       |
| Planning Commission                                                                                 | 7                       |
| Police Accountability Board                                                                         | 5                       |
| Solano Avenue Business Improvement District Advisory Board                                          | 0                       |
| Sugar-Sweetened Beverage Product Panel of Experts                                                   | 5                       |
| Transportation and Infrastructure Commission                                                        | 6                       |
| Youth Commission                                                                                    | 1                       |
| Zero Waste Commission                                                                               | 10                      |
| Zoning Adjustments Board                                                                            | 10                      |





Office of the City Manager

CONSENT CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Environment and Climate Commission – Appointment of New Youth Members

RECOMMENDATION

Adopt a Resolution appointing two youth members to the Environment and Climate Commission recommended by the Berkeley Unified School District Board of Directors.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At the March 14, 2023 City Council meeting, the Council adopted Ordinance No. 7,856 N.S. amending Berkeley Municipal Code Chapter 3.82 to modify the membership and appointment procedures for the Environment and Climate Commission (ECC) to add two youth members.

Ordinance No – 7,856 N.S. states:

Two members of the Commission shall be appointed by the Berkeley City Council as a body with candidates recommended by the Berkeley Unified School District Board of Directors and subject to the following:

1. The following desirable criteria may guide, but not restrict, the Council in appointing candidates to the Commission:
  - (i) Appointees to be residents of the City;
  - (ii) Appointees to be between the ages of sixteen and twenty-five;
2. Appointees shall have demonstrated commitment or interest in the areas outlined in Section 3.82.040.

Currently, the two youth commissioner positions are vacant on the ECC. The Berkeley Unified School District Board of Directors has recommended Mabel Athanasiou and Shanza Syed as eligible youth appointees for the ECC. They meet the eligibility criteria in the City Charter and may be appointed by a majority vote of the Council.

| <b>Commissioner</b>   | <b>Nominated By</b>          |
|-----------------------|------------------------------|
| <i>Vacant (Youth)</i> | <i>Council</i>               |
| <i>Vacant (Youth)</i> | <i>Council</i>               |
| Igor Tregub           | Mayor Arreguin               |
| Sarah Ranney          | Councilmember Kesarwani      |
| Marc Hedlund          | Councilmember Taplin         |
| Brianna McGuire       | Councilmember Bartlett       |
| Daniel Tahara         | Councilmember Harrison       |
| Shannon Allen         | Councilmember Hahn           |
| Leslie (Les) Guliasi  | Councilmember Wengraf        |
| Cecilia Lunaparra     | Councilmember Robinson       |
| <i>Vacant</i>         | <i>Councilmember Humbert</i> |

**BACKGROUND**

All applicants are reviewed and their eligibility is verified by city staff against the requirements of the Municipal Code.

**ENVIRONMENTAL SUSTAINABILITY**

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

**RATIONALE FOR RECOMMENDATION**

The appointment is provided for by the Municipal Code and pursuant to the nominations submitted by the Berkeley Unified School District Board of Directors.

**ALTERNATIVE ACTIONS CONSIDERED**

None.

**CONTACT PERSON**

Mark Numainville, City Clerk, (510) 981-6900

**ATTACHMENTS**

- 1: Resolution
- 2: Commission Applications for Mabel Athanasiou and Shanza Syed



RESOLUTION NO. -N.S.

APPOINTMENT OF MABEL ATHANASIOU AND SHANZA SYED TO THE ENVIRONMENT AND CLIMATE COMMISSION

WHEREAS, Ordinance No. 7,856 N.S. was adopted on March 14, 2023 by the City Council amending Berkeley Municipal Code Chapter 3.82 modifying membership and appointment procedures for the Environment and Climate Commission; and

WHEREAS, Berkeley Municipal Code Chapter 3.82 creates two youth member seats on the Commission, which are appointed by the Berkeley City Council as a body with candidates recommended by the Berkeley Unified School District Board of Directors; and

WHEREAS, the Berkeley Unified School District Board of Directors submitted recommendations for appointment by the full council; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the following applicants are hereby appointed to the Environment and Climate Commission:

| Nominee          | Nominated By                                        |
|------------------|-----------------------------------------------------|
| Mabel Athanasiou | Berkeley Unified School District Board of Directors |
| Shanza Syed      | Berkeley Unified School District Board of Directors |



APPLICATION FOR APPOINTMENT TO BERKELEY  
BOARDS AND COMMISSIONS

Redistricting Commissioners  
may not be eligible to serve.  
Contact the City Clerk to verify.

NAME: Mabel Athanasiou

PREFERRED PRONOUN(S): She/Her

RESIDENCE ADDRESS: Berkeley, CA 94702  
Street City Zip

BUSINESS NAME/ADDRESS: N/A  
Street City Zip

EMAIL ADDRESS: \_\_\_\_\_

OCCUPATION/PROFESSION: Student

HOME PHONE \_\_\_\_\_ BUSINESS PHONE: N/A

I have been a resident of Berkeley since: 2008

I am interested in being considered for appointment to the following Berkeley board(s)/commission(s):

Name of board/commission: Environmental and climate commission

Name of board/commission: \_\_\_\_\_

List any qualifications (work experience, education, attributes and training) which you feel would provide positive input to the work of the commission and the reason why you are interested in being appointed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please use another sheet of paper, if necessary.

The following individuals are qualified to comment on my capabilities:

| NAME                     | ADDRESS | PHONE NO |
|--------------------------|---------|----------|
| <u>Jacqueline Omania</u> | _____   | _____    |
| _____                    | _____   | _____    |

\*\*\*PLEASE COMPLETE DEMOGRAPHIC SURVEY \*\*\*

Please indicate gender:  Male  Female  Nonbinary  Prefer not to say

Please indicate whether you are currently a student:  Yes  No

Please indicate the racial / ethnic category which you most closely identify with below (response optional - please check only one category)

- WHITE (not of Hispanic or Latino origin):** All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East
- BLACK or AFRICAN AMERICAN (not of Hispanic or Latino origin):** All persons having origins in any of the Black racial groups of Africa
- HISPANIC or LATINO:** All persons of Central / South America or other Spanish culture or origin, regardless of race
- ASIAN (not of Hispanic or Latino origin):** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent. This includes, Cambodia, China, Japan, India, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam
- AMERICAN INDIAN / ALASKAN NATIVE (not of Hispanic or Latino origin):** All persons having origins in any of the original peoples of North, Central, and South America, and who maintain cultural identification through tribal affiliation or community recognition.
- NATIVE HAWAIIAN / PACIFIC ISLANDER (not of Hispanic or Latino origin):** All persons having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- TWO or MORE RACES (not of Hispanic or Latino origin):** All persons who identify with more than one of the above six races

\*The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions except the Youth Commission and Commission on Status of Women to file Statements of Economic Interests – FPPC Form 700. The Form 700 is a public document. For more information, please contact the City Clerk's Department at 981-6900, or visit our website at <https://berkeleyca.gov/your-government/public-records/conflict-interest-reports>.

**AFFIDAVIT OF RESIDENCY\***

I, Mabel Athanasiou, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [Signature] Date: 8/25/23

\*Not required for Police Accountability Board, Loan Administration Board, Elmwood BID Advisory Board, Solano BID Advisory Board, or BUSD appointees

**Return this form to the City Clerk Department: 2180 Milvia Street, Berkeley, 94704**



**APPOINTMENT FORM - BOARDS AND COMMISSIONS**  
(For Mayor and Council use only)

MAYOR/COUNCILMEMBER \_\_\_\_\_

NAME OF APPOINTEE \_\_\_\_\_

RESIDENCE ADDRESS \_\_\_\_\_  
Street City Zip

BUSINESS NAME/ADDRESS \_\_\_\_\_  
Name  
Street City Zip

EMAIL ADDRESS \_\_\_\_\_

OCCUPATION/PROFESSION \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

Check appropriate box:  New Appointment  Reappointment  Temporary Appt.

Temporary Appt.: From (date) \_\_\_\_\_ To (date) \_\_\_\_\_  
(only if appointing for more than one meeting)

Please send mail to:  Home  Business

Please indicate the name of the board/commission to which you are appointing this individual

Board/Commission Name: \_\_\_\_\_

\*\*\*Please indicate the SPECIAL CATEGORY being fulfilled, if appointment is to ANY of the following boards or commissions: Elmwood BID Advisory Board, Human Welfare & Community Action Commission, Loan Administration Board, Solano Avenue BID Advisory Board.

Special Category \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor/Councilmember

**For Mayor/Councilmember and City Use Only:**

| Interview Date | Appoint. Date | Process Date |
|----------------|---------------|--------------|
|                |               |              |

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**AFFIDAVIT OF RESIDENCY\***


I, Mabel Athanasios, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [Signature] Date: 8/25/23

\*Not required for Police Accountability Board, Loan Administration Board, Elmwood BID Advisory Board, Solano BID Advisory Board, or BUSD appointees

Return this form to the City Clerk Department: 2180 Milvia Street, Berkeley, 94704

**APPOINTMENT FORM - BOARDS AND COMMISSIONS**  
(For Mayor and Council use only)

 **MAYOR/COUNCILMEMBER** Laura Babbitt ~~labbitt@berkeleyca.gov~~ BUSD School Board

**NAME OF APPOINTEE** Mabel Athanasios

**RESIDENCE ADDRESS** Berkeley CA 94702  
Street City Zip

**BUSINESS NAME/ADDRESS** N/A  
Name

**EMAIL ADDRESS** \_\_\_\_\_

**OCCUPATION/PROFESSION** Student

**HOME PHONE:** \_\_\_\_\_ **BUSINESS PHONE:** \_\_\_\_\_

Check appropriate box:  New Appointment  Reappointment  Temporary Appt.

Temporary Appt.: From (date) \_\_\_\_\_ To (date) \_\_\_\_\_  
(only if appointing for more than one meeting)

Please send mail to:  Home  Business

Please indicate the name of the board/commission to which you are appointing this individual

Board/Commission Name: Environmental & Climate Commission

\*\*\*Please indicate the SPECIAL CATEGORY being fulfilled, if appointment is to ANY of the following boards or commissions: Elmwood BID Advisory Board, Human Welfare & Community Action Commission, Loan Administration Board, Solano Avenue BID Advisory Board.

Special Category \_\_\_\_\_

Signature: [Signature] Date: 10/17/2023  
Mayor/Councilmember

I have been involved in climate and environmental activism since I was ten years old. I became interested in being zero waste and fighting for climate action on my first day of third grade, when my teacher told my class that we wouldn't have a trash can. This first day of school set the tone for the rest of the year, *a single mason jar, I thought*, where were all of my chocolate stained Z Bar wrappers going to go? At the end of the school year we successfully fit all of our waste from a classroom of 20 10 year olds into a single mason jar. That year, 2 of my classmates and I spoke in front of the Mayor and city council member Sophie Hahn at the Berkeley Transfer Station, where we advocated to pass the Disposable Free Dining Ordinance (DFDO) in an effort to limit the amount of single use plastic disposables (or SUDS) given out by local restaurants in Berkeley. After this press conference, my peers and I continued to speak up until the DFDO was passed in January 2019.

More recently in an effort to reduce disposable plastic in our schools, I have presented to the Berkeley School Board to encourage them to switch to reusable foodware in all Berkeley Schools. This year Martin Luther King Middle School has started to hand out metal utensils and cups to students at lunch. I think that this change in our school district was crucial because the disposable utensils caused so much pollution and were really bad for our health. There is no justification for knowingly exposing kids to harmful chemicals like the PFAS contained in disposables. I enjoyed working with the school board because I felt that as a student in BUSD, my voice was being heard and I was bringing real change to my school. I am excited for the opportunity to work on the Environmental and Climate commission to continue to represent the voice of my generation.

I aspire to be a powerful voice for the youth in Berkeley, especially because our future is going to be most affected by climate change and plastic pollution. The activism of my peers in Montana and other youth across the globe who have participated in politics and government inspires me to contribute my effort and time to this cause. I am humbled by this opportunity and I will strive to always be my best and most thoughtful self if chosen to be on the board.



APPLICATION FOR APPOINTMENT TO BERKELEY  
BOARDS AND COMMISSIONS

Redistricting Commissioners  
may not be eligible to serve.  
Contact the City Clerk to verify.

NAME: Shanza Syed

PREFERRED PRONOUN(S): She / her

RESIDENCE ADDRESS: \_\_\_\_\_  
Street City Zip  
Berkeley, CA 94709

BUSINESS NAME/ADDRESS: \_\_\_\_\_  
Street City Zip

EMAIL ADDRESS: \_\_\_\_\_

OCCUPATION/PROFESSION: student

HOME PHONE: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

I have been a resident of Berkeley since: 2006

I am interested in being considered for appointment to the following Berkeley board(s)/commission(s):

Name of board/commission: Environmental and Climate Commission

Name of board/commission: \_\_\_\_\_

List any qualifications (work experience, education, attributes and training) which you feel would provide positive input to the work of the commission and the reason why you are interested in being appointed:

seperate page attached at the end

Please use another sheet of paper, if necessary.

The following individuals are qualified to comment on my capabilities:

| NAME                     | ADDRESS | PHONE NO |
|--------------------------|---------|----------|
| <u>Jacqueline Omania</u> |         |          |
| <u>Aryn Faur</u>         |         |          |

\*\*\*PLEASE COMPLETE DEMOGRAPHIC SURVEY \*\*\*

- Please indicate gender:  Male  Female  Nonbinary  Prefer not to say
- Please indicate whether you are currently a student:  Yes  No
- Please indicate the racial / ethnic category which you most closely identify with below (response optional - please check only one category):
- WHITE (not of Hispanic or Latino origin): All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East
  - BLACK or AFRICAN AMERICAN (not of Hispanic or Latino origin): All persons having origins in any of the Black racial groups of Africa
  - HISPANIC or LATINO: All persons of Central / South America or other Spanish culture or origin, regardless of race
  - ASIAN (not of Hispanic or Latino origin): All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent. This includes, Cambodia, China, Japan, India, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam
  - AMERICAN INDIAN / ALASKAN NATIVE (not of Hispanic or Latino origin): All persons having origins in any of the original peoples of North, Central, and South America, and who maintain cultural identification through tribal affiliation or community recognition.
  - NATIVE HAWAIIAN / PACIFIC ISLANDER (not of Hispanic or Latino origin): All persons having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands
  - TWO or MORE RACES (not of Hispanic or Latino origin): All persons who identify with more than one of the above six races

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**AFFIDAVIT OF RESIDENCY\***

I Shanza Syed, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant Shanza Date: 08/24/23

\*Not required for Police Accountability Board, Loan Administration Board, Elmwood BID Advisory Board, Solano BID Advisory Board, or BUSD appointees

Return this form to the City Clerk Department: 2180 Milvia Street, Berkeley, 94704

**APPOINTMENT FORM - BOARDS AND COMMISSIONS**  
(For Mayor and Council use only)

MAYOR/COUNCILMEMBER \_\_\_\_\_

NAME OF APPOINTEE \_\_\_\_\_

RESIDENCE ADDRESS \_\_\_\_\_  
Street City Zip

BUSINESS NAME/ADDRESS \_\_\_\_\_  
Name

EMAIL ADDRESS \_\_\_\_\_  
Street City Zip

OCCUPATION/PROFESSION \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

Check appropriate box:  New Appointment  Reappointment  Temporary Appt.

Temporary Appt.: From (date) \_\_\_\_\_ To (date) \_\_\_\_\_  
(only if appointing for more than one meeting)

Please send mail to:  Home  Business

Please indicate the name of the board/commission to which you are appointing this individual

Board/Commission Name: \_\_\_\_\_

**\*\*\*Please indicate the SPECIAL CATEGORY being fulfilled, if appointment is to ANY of the following boards or commissions:** Elmwood BID Advisory Board, Human Welfare & Community Action Commission, Loan Administration Board, Solano Avenue BID Advisory Board.

Special Category \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Mayor/Councilmember

**For Mayor/Councilmember and City Use Only:**

|                |              |              |
|----------------|--------------|--------------|
| Interview Date | Appoint Date | Process Date |
|                |              |              |

Over the past 4 years, I've been part of Heirs to Our Oceans, a global, youth-led environmental justice organization. Through numerous webinars and workshops, I have gained a deep understanding of climate change and its impact on local communities. It is my understanding that climate justice and social justice are deeply connected because it is often the most vulnerable communities that are greatly impacted by climate change. If given this opportunity, I would bring this perspective to the table.

In addition, as part of the first cohort of the Youth Advisory Council to the US National Committee for the UN Ocean decade, I have become well versed in policy advocacy which I have used to talk with Federal Representatives about the kind of climate legislation we youth would like to see passed. This has shown me that strong policy is built on specificity and community-based action, which I will advocate for if given this position.

I have also co-organized a climate summit at Berkeley High along with 2 other students. Our aim was to unite the various environmental clubs at Berkeley High and come up with goals that we could work toward together, and that is exactly what we did. There were over 30 students in attendance and the experience gave me valuable insight into what the students of Berkeley High want to see not just for Berkeley High, but also for the City of Berkeley.

Most recently, I participated in an internship called 'Intro to Climate Solutions', where I learned a lot about sustainability and looked into case studies on technologies, systems, and policies that different cities are using to reduce their environmental impact. Many of these solutions can be implemented in Berkeley, and I would appreciate the opportunity to be part of the process.



The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions (except the Youth Commission) and Commissions on Status of Women to file Statements of Economic Interests - FDPC Form 700. The Form 700 is available at <http://www.ci.berkeley.ca.gov>. For more information, please contact the City Clerk's Department at 981-6900 or visit our website at <http://berkeleyca.gov>. Appointment public records request interest reports.

**AFFIDAVIT OF RESIDENCY\***

I, Shanza Syed, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: Shanza Syed Date: 08/24/23

\*Not required for Police Accountability Board, Loan Administration Board, Elmwood BID Advisory Board, Solano BID Advisory Board, or BUSD appointees

Return this form to the City Clerk Department: 2180 Milvia Street, Berkeley, 94704

**APPOINTMENT FORM - BOARDS AND COMMISSIONS**  
(For Mayor and Council use only)

MAYOR/COUNCILMEMBER

Laura Babbitt *Public Schools Board*

NAME OF APPOINTEE

Shanza Syed

RESIDENCE ADDRESS

Street City Zip

BUSINESS NAME/ADDRESS

Berkeley, CA 94709  
Name

EMAIL ADDRESS

OCCUPATION/PROFESSION

student

HOME PHONE:

BUSINESS PHONE:

Check appropriate box:  New Appointment  Reappointment  Temporary Appt.

Temporary Appt.: From (date)

To (date)

(only if appointing for more than one meeting)

Please send mail to:

Home

Business

Please indicate the name of the board/commission to which you are appointing this individual

Board/Commission Name:

Environmental + Climate Commission

\*\*\*Please indicate the SPECIAL CATEGORY being fulfilled, if appointment is to ANY of the following boards or commissions: Elmwood BID Advisory Board, Human Welfare & Community Action Commission, Loan Administration Board, Solano Avenue BID Advisory Board

Special Category

Signature:

L Babbitt  
Mayor/Councilmember

Date:

10/17/2023

For Mayor/Councilmember and City Use Only:

|             |              |              |
|-------------|--------------|--------------|
| Review Date | Appoint Date | Process Date |
|             |              |              |





Office of the City Manager

CONSENT CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Peter Radu, Assistant to the City Manager  
 Subject: Contract No. R9704 Amendment: City of Albany for Animal Services

RECOMMENDATION

Adopt a resolution authorizing the City Manager to amend an existing contract number R9704 and any amendments with the City of Albany to provide certain animal care services for which the City of Albany will pay the City of Berkeley \$291,019 for services performed from FY2024 through FY2026, for a new not to exceed amount of \$945,512.

FISCAL IMPACTS OF RECOMMENDATION

The FY2023 budget currently reflects revenues of \$88,445 from the City of Albany for animal care services. The City of Berkeley 's estimated cost of providing shelter operations and field service for the City of Albany for FY2024 is \$88,445, FY2025 is FY2024 rate plus \$5,000 plus the 5-year CPI average of 3.7% for a total of \$96,902, and FY2026 is FY2025 rate plus \$5,000 plus the 5-year CPI average of 3.7% for a total of \$105,672, for a total NTE of \$291,019 for the three year period, and for a new NTE total contract amount of \$945,512. The City of Albany will reimburse the City of Berkeley for these additional estimate costs, and revenues will be deposited into the General Fund account (010-0704-345-4206).

CURRENT SITUATION AND ITS EFFECTS

The City of Berkley has provided certain animal care services to the City of Albany for many years. The current contract between the City of Berkeley and the City of Albany expires on 12/31/2023, which now gives the City an opportunity to renegotiate the terms of the contract to cover the additional estimated costs.

Upon request by the Albany Police Department, the City of Berkeley performs the following services:

1. Quarantine biting animals.
2. Hearing for vicious and dangerous dogs
3. Impound stray domestic animals, at large or confined.
4. Rescue and seek veterinary treatment for injured animals.
5. Collect and dispose of deceased animals.

6. Investigate, quarantine and report upon vicious animals endangering the public or causing a traffic hazard.
7. Ensuring that a dog or cat that is not sprayed or neutered that is impounded shall be sprayed or neutered at the owner/guardian's expense before being returned to the owner or/guardian, per the provisions of Albany Municipal Code Section 10-4.6, and that the City Administrator designates City of Berkeley Animal Control Supervisor as the Hearing Officer per AMC Section 10-4.6(D).

The City of Berkeley also provides the following shelter services to impounded City of Albany animals:

1. Veterinary attention when deemed necessary by the City of Berkeley.
2. The orderly and humane administration of euthanasia of animals not adopted, redeemed or otherwise transferred from the custody of the Berkeley animal shelter.
3. The disposal of deceased animals.

The City of Berkeley is responsible for maintaining current and accurate records of all animals received in or from the City of Albany.

#### BACKGROUND

The city of Albany does not have its own Animal Shelter nor does it employ Animal Control Officers and therefore requires assistance in providing care and shelter for small animals within its City that are in need by reason of accident, sickness or being lost, stray or abandoned. In 2022, the City of Berkeley Animal Care Services handled 1562 live animals 4% of these animals came from Albany. That same year, 189 dead animals were collected for disposal 4% were from Albany. Berkeley Animal Care Officers spend approximately 14 hours each week working for Albany, and the manager investigates and holds hearings for potentially vicious and dangerous dogs from Albany.

#### RATIONALE FOR RECOMMENDATION

The City of Berkeley is well equipped to and capable of providing the services outlined above for the City of Albany.

#### ALTERNATIVE ACTIONS CONSIDERED

None

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### CONTACT PERSON

Michael St. Pierre, Animal Care Services Manager, 510-981-6603.

Animal Services Contract with the City of Albany

CONSENT CALENDAR  
NOVEMBER 28, 2023

Attachments:

1. Resolution
2. Amendment to Contract

RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE CITY MANAGER TO AMEND EXISTING CONTRAT NO. R9704 AND ANY AMMENDMENTS WITH THE CITY OF ALBANY FOR ANIMAL CARE SERVICES FOR FY2024-FY2026 IN THE AMOUNT OF \$291,019, FOR A NEW NOT TO EXCEED (NTE) TOTAL CONTRACT AMOUNT OF \$945,512.

WHEREAS, The City of Albany requires field services and law enforcement for animal matters in their jurisdiction: and

WHEREAS, The City of Albany requires assistance in providing care and shelter for small animals within its City that are in need by reason of accident, sickness or being lost, stray or abandoned: and

WHEREAS, The City of Berkeley is well equipped to and capable of providing these services to the City of Albany.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to amend Contract No. R9704 and execute any necessary amendments thereafter with the City of Albany for animal care services for FY2024-FY2026 in the amount of \$291,019, for a new Not to Exceed (NTE) total contract amount of \$945,512.

ATTACHMENT 2

Contract# R9704 (ERMA# 42100009)

AMENDMENT TO CONTRACT

THIS CONTRACT is entered into on July 1, 2023 between the CITY OF BERKELEY ("City"), a Charter City organized and existing under the laws of the State of California, and the City of Albany ("Contractor") a Charter City, doing business at 1000 San Pablo Avenue, Albany CA 94706.

WHEREAS, City and Contractor previously entered into Contract Number R9704 (ERMA# 42100009), dated July 1, 2014, which Contract was authorized by the Berkeley City Council and the City Manager of the City of Berkeley.

WHEREAS, on July 1, 2017, both parties agree to amend Exhibit B to incorporate pricing for various urgent projects, by Contract Amendment Number A3IWC, by the Berkeley City Council by Resolution No. 67,987-N.S., and

WHEREAS, on July 1, 2020, both parties agree to amend Exhibit B to incorporate pricing for various urgent projects, by Contract Amendment Number R9704A, by the Berkeley City Council by Resolution No. 69,423-N.S., and

WHEREAS, on May 25, 2023, the City Manager of the City of Berkeley written an extensions letter to extend the term of the contract from June 30, 2023 to December 31, 2023

WHEREAS, on November 28, 2023, by Resolution No.-----N.S., the Berkeley City Council authorized amendment of said Contract as set forth below.

THEREFORE, City and Contractor mutually agree to amend said Contract as follows:

1. Section 2 is amended to read as follows:

PAYMENT

For services referred to in Exhibit A, Scope of Services. The City of Albany shall pay the City of Berkeley for all services rendered under the agreement and additional amount of \$88,445 for FY 2024, for FY2025 is FY2024 rate plus \$5,000 plus the 5-year CPI average of 3.7% for a total of \$96,902, and for FY2026 is FY2025 rate plus \$5,000 plus the 5-year CPI average of 3.7% for a total of \$105,672, for a total NTE of \$291,019 for the three year period, and for a new NTE total contract amount of \$945,512, regardless of fees and charges of any kind, which the City of Berkeley receives pursuant to the aforementioned schedule for animal shelter services.

2. Section 3.a. is amended to read as follows:

TERM

This Contract shall begin on July 1, 2023 and end on June 30, 2026. The City Manager of the City of Berkeley may extend the term of this Contract by giving written notice.

3. Further, this Contract is amended to include the following language regarding the City's Sanctuary Contracting Ordinance:



SANCTUARY CITY CONTRACTING

Contractor hereby agrees to comply with the provisions of the Sanctuary City Contracting Ordinance, B.M.C. Chapter 13.105. In accordance with this Chapter, Contractor agrees not to provide the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security with any Data Broker or Extreme Vetting Services as defined herein:

- a. “Data Broker” means either of the following:
  - i. The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies;
  - ii. The aggregation of data that was collected for another purpose from that for which it is ultimately used.
- b. “Extreme Vetting” means data mining, threat modeling, predictive risk analysis, or other similar services. Extreme Vetting does not include:
  - i. The City’s computer-network health and performance tools;
  - ii. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer-based activity.

In all other respects, the Contract dated July 1, 2014 shall remain in full force and effect.

IN WITNESS WHEREOF, City and Contractor have executed this Contract as of the date written in the first paragraph of this Contract.

CITY OF BERKELEY

By \_\_\_\_\_  
City Manager

THIS CONTRACT HAS BEEN  
APPROVED AS TO FORM BY  
THE CITY ATTORNEY FOR  
THE CITY OF BERKELEY  
02/2022

Registered on behalf of the City Auditor by:

\_\_\_\_\_  
Finance Department

Attest:

\_\_\_\_\_  
Deputy City Clerk

CONTRACTOR

\_\_\_\_\_  
Name (Printed)

By \_\_\_\_\_  
Signature and Title

**EXHIBIT B**

**PAYMENT**

**GENERAL:** Contract Amendment is \$288,978 for services between FY2024 and FY2026, for a new Not to Exceed (NTE) total contract amount of \$945,512.

**BILLING:** The City of Berkeley shall invoice the City of Albany by July 31<sup>st</sup> of each calendar year and the invoice shall be due and payable to the City of Berkeley by August 31<sup>st</sup> of each calendar year.

**INVOICES:** The City of Berkeley shall email invoices to [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org) and cc' [mstpierre@berkeleyca.gov](mailto:mstpierre@berkeleyca.gov) and mail invoices to the address mentioned below by reference contract number R9704.

City of Albany  
Attn: Jon Clowes  
1000 San Pablo Avenue  
Albany, CA 94706  
Email: [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org)  
Phone: 510-528-5710

**PAYMENTS:** The City of Albany shall make payment to the City of Berkeley by August 31<sup>st</sup> of each calendar year.

**City of Albany  
Proposed Budget Request  
FY2024-FY2026**

City of Berkeley Animal Care Services  
Shelter Operations Costs and Field Services per year

|                                           |              |      |               |
|-------------------------------------------|--------------|------|---------------|
| Animal Services Assistants (2 + benefits) | \$263,595    |      |               |
| Animal Food                               | \$21,769.30  |      |               |
| Vet Fees                                  | \$254,040.18 |      |               |
| Miscellaneous Supplies                    | \$59,835.44  |      |               |
|                                           | \$599,239.92 | x 4% | = \$23,969.60 |

|               |          |      |         |
|---------------|----------|------|---------|
| Dead Disposal | \$20,400 | x 4% | = \$816 |
|---------------|----------|------|---------|

**Overhead**

|                            |              |      |               |
|----------------------------|--------------|------|---------------|
| Clerk Salary (1 +benefits) | \$140,073    |      |               |
| Water                      | \$24,920.52  |      |               |
| Gas/Electricity            | \$52,100     |      |               |
| Facilities maintenance     | \$57,622.41  |      |               |
| Refuse                     | \$9,000      |      |               |
|                            | \$283,715.93 | x 4% | = \$11,348.64 |

**Field Services**

|                          |             |      |              |
|--------------------------|-------------|------|--------------|
| Vehicle Replacement      | \$23,873.40 |      |              |
| Truck Fuel & Maintenance | \$23,643    |      |              |
| Field Supplies           | \$8,258.18  |      |              |
|                          | \$55,774.18 | x 6% | = \$3,346.45 |

|                                                            |               |
|------------------------------------------------------------|---------------|
| Animal Control Officer @ \$67.34 x 14 hrs/wk x52           | = \$49,023.52 |
| Manager as hearing officer for V&D dogs @ \$132.22 x 0 hrs | = \$0         |
|                                                            | = \$88,504.21 |

|                              |                    |
|------------------------------|--------------------|
| <b>TOTAL FY2024</b>          | <b>= \$88,445</b>  |
| <b>TOTAL FY2025</b>          | <b>= \$96,902</b>  |
| <b>TOTAL FY2026</b>          | <b>= \$105,672</b> |
| <b>TOTAL FY2024 - FY2026</b> | <b>= \$291,019</b> |



Office of the City Manager

CONSENT CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Peter Radu, Assistant to the City Manager  
 Subject: Contract: Echo Cartagena, DVM to Provide On-site Relief Veterinary Coverage for Berkeley Animal Care Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Echo Cartagena, DVM, for temporary, on-site veterinary services for Berkeley Animal Care Services (BACS) for January 2024 to June 2024, which establishes a contract in an amount not to exceed \$60,750.

FISCAL IMPACTS OF RECOMMENDATION

Berkeley Animal Care Services contracts with a Doctor of Veterinary Medicine (DVM) to provide veterinary services three days per week onsite at the Dona Spring Animal Shelter. This contract will be for six months, from January 11, 2024, to June 30, 2024, while our current contracted veterinarian is on maternity leave. The total contract cost of \$60,750 will be appropriated into the Animal Services' budget as part of the First Amendment to the Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

Orsolya Kuti, DVM, has been the contracted veterinarian with Berkeley Animal Care Services since 2020. In 2021, Council approved increasing Dr. Kuti's hours from 16 to 24 per week, recognizing the growing need for care at the shelter. Beginning January 2024, Dr. Kuti will be on a 6 month leave/ The purpose of this proposed contract is to provide relief veterinary services during that time.

BACS is a full-service municipal animal care and control agency, enforcing local and state laws throughout the City of Berkeley (COB), the City of Emeryville, and the City of Albany. BACS is also contracted to shelter animals for the city of Piedmont. BACS is an open-admission facility on track to accept 2,000 stray and homeless animals in 2023, the most intakes since 2017.

BACS has a constant influx of animals that need veterinary care, treatment, and spay/neuter services. The BACS shelter is open to the public seven days a week to receive stray, surrendered, and confiscated animals. Additionally, field services are provided seven days a week, during which Animal Control Officers impound stray, surrendered, and confiscated animals. Many animals arrive at the shelter sick or injured

and need immediate veterinary care. On-site veterinary services include but are not limited to examining and diagnosing shelter animals, treating sick or injured animals, performing spay/neuter surgeries, and performing other routine surgeries.

To prevent unnecessary euthanasia and to maintain the current high live release rate above 90%, sick or injured animals must obtain necessary treatment so that they have a much better chance of rescue or adoption.

### BACKGROUND

We contacted several veterinarians about the temporary position, and there were four responding veterinarians to consider. Echo Cartagena, DVM, is the recommended choice from among the respondents due to her shelter medicine and surgery experience.

### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

### RATIONALE FOR RECOMMENDATION

Echo Cartagena is a local veterinarian who has practiced veterinary medicine since 2010 and is well respected for her work in shelter medicine and as a spay/neuter surgeon. Dr. Cartagena can be consistently available to the animal shelter and provide a wide range of general and specialized services at an hourly rate consistent with the local market.

If the recommendation is not approved, the city will be unable to provide essential veterinary care services at Berkeley animal shelter, such as State and Berkeley Municipal Code-mandated spay and neutering for stray or adopted animals; prescription or use of medication or anesthesia; and suturing of wounds. All necessary procedures would likely be referred to an emergency vet clinic, which is prohibitively expensive.

### ALTERNATIVE ACTIONS CONSIDERED

An alternative to engaging in a contract with Dr. Cartagena is to outsource all veterinary services to local veterinarians and hospitals. Berkeley Animal Care Services performed 350 spay or neuter surgeries 2023 from January 11 to June 30. We have a contract with Animal Fix Clinic, a high-volume spay and neuter clinic in Richmond, where we have five standing appointments every Monday for community or shelter animals to be altered at the much-reduced cost of \$200 per animal. If we could use Animal Fix Clinic for all needed spays and neuters at the shelter, the cost would be \$70,000, nearly \$10,000 more than Dr. Cartagena's contract, and we would still need to contract out non-surgical care for an even higher cost. Therefore, this alternative action is not recommended.

### CONTACT PERSON

Mike St. Pierre, Animal Services Manager, (510) 981-6603

Contract: Cartagena, Echo, DVM for On-site temporary veterinary services

CONSENT CALENDAR  
November 28, 2023

Attachments:  
1: Resolution

ATTACHMENT 1

RESOLUTION NO. ##,###-N.S.

CONTRACT: ECHO CARTAGENA, DVM, FOR ONSITE VETERINARY SERVICES FOR BERKELEY ANIMAL CARE SERVICES

WHEREAS, BACS has a constant influx of animals that need to receive immediate and affordable veterinary care and treatment; and

WHEREAS, sick or injured animals that obtain necessary procedures and/or treatment/s have a much better chance of rescue or adoption; and

WHEREAS, to prevent unnecessary euthanasia and to maintain the City's current high live release rate above 90%, sick or injured animals must obtain necessary treatment so that they have a much better chance of rescue or adoption.

WHEREAS, it is necessary to provide veterinary care and oversight on the premises for 16-18 hours per week; and

WHEREAS, Dr. Echo Cartagena submitted a highly qualified bid to provide on-site veterinary services at the Dona Spring Animal Shelter; and

WHEREAS, the contract will be funded by approved AAO1 funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to establish a contract and any necessary amendments with Dr. Echo Cartagena, DVM, for on-site veterinary services for Berkeley Animal Care Services (BACS). The contract will be for \$125 per hour for January 11, 2024, to June 30, 2024, with a total amount not to exceed \$60,750.





Office of the City Manager

CONSENT CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 28, 2023

RECOMMENDATION

Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **\$6,880,000**

| <u>PROJECT</u>                                                                         | <u>Fund</u>       | <u>Source</u>                                                                        | <u>Amount</u>      |
|----------------------------------------------------------------------------------------|-------------------|--------------------------------------------------------------------------------------|--------------------|
| Sacramento Street<br>Pedestrian Safety<br>Project: Oregon Street<br>to Fairview Street | 306<br>135<br>130 | State Capital Grants<br>Measure BB – Bike & Ped<br>Measure B – Local Streets & Roads | \$880,000          |
| Berkeley Marina<br>Dredging Project                                                    | 606               | State Coastal Conservancy Grant Fund                                                 | \$6,000,000        |
| <b>Total:</b>                                                                          |                   |                                                                                      | <b>\$6,880,000</b> |

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on November 28, 2023

CONSENT CALENDAR  
November 28, 2023

upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

#### BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

#### RATIONALE FOR RECOMMENDATION

Need for the goods and/or services.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Darryl Sweet, General Services Manager, Finance, 510-981-7329

#### Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 28, 2023
  - a. Sacramento Street Pedestrian Safety Project: Oregon Street to Fairview Street
  - b. Berkeley Marina Dredging Project

Note: Original of this attachment with approval of authorizing personnel is on file in General Services.

| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED                               | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                                                                                                          | ESTIMATED COST                                                                                                                                                                                                 | BUDGET CODE TO BE CHARGED                                                                                                                                                                                                                                           | DEPT. / DIVISION              | CONTACT NAME & PHONE   |
|--------------------|-------------------------------------------------------------------------------|----------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------------------|
| 24-11643-C         | Sacramento Street Pedestrian Safety Project: Oregon Street to Fairview Street | 2/1/2024             | 2/27/2024                | Pedestrian Safety Improvements                                                                                                                                                                                        | \$880,000 (includes 10% construction contingency)<br>Breakdown below:<br>\$250,000<br>\$146,051 (includes \$36,005 for construction contingency)<br>\$483,949 (includes \$43,995 for construction contingency) | ERMA project code: (PWTRBP2202)<br><br>306 State Capital Grants:<br>306-54-622-668-0000-000-431-665110-<br><br>135 Measure BB Bike & Ped:<br>135-54-622-668-0000-000-431-665110-<br><br>130 Measure B Local Streets & Roads:<br>130-54-622-668-0000-000-431-665110- | Public Works – Transportation |                        |
| <b>DEPT. TOTAL</b> |                                                                               |                      |                          |                                                                                                                                                                                                                       | <b>\$ 880,000.00</b>                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |                               |                        |
| 24-11644-C         | Berkeley Marina Dredging Project                                              | 12/5/2023            | 1/9/2024                 | Project consists of maintenance dredging at the Berkeley Marina harbor and entrances, which will provide unimpeded access to the Berkeley Marina for vessels of all sizes and depths, even during low tide conditions | \$6,000,000                                                                                                                                                                                                    | 606-52-545-000-0000-000-461-663110-PRWWF22002                                                                                                                                                                                                                       | PRW/Waterfront                | Nelson Lam<br>981-6395 |
| <b>DEPT. TOTAL</b> |                                                                               |                      |                          |                                                                                                                                                                                                                       | <b>\$ 6,000,000.00</b>                                                                                                                                                                                         |                                                                                                                                                                                                                                                                     |                               |                        |
| <b>TOTAL</b>       |                                                                               |                      |                          |                                                                                                                                                                                                                       | <b>\$ 6,880,000.00</b>                                                                                                                                                                                         |                                                                                                                                                                                                                                                                     |                               |                        |





Office of the City Manager

CONSENT CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
Subject: Revenue Grant Agreement: Funding Support from Alameda County to Provide Public Health Nursing Services for Foster Care Children/Youth

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant agreement to Alameda County, to accept the grant, and execute any resultant revenue agreements and amendments to provide public health nursing services for the Alameda County Foster Care Program, Services to Enhance Early Development (SEED) in the projected total amount of \$673,179 for July 1, 2023 to June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the estimated total amount of \$673,179 from Alameda County for the period FY 2024 through FY 2026, receiving \$224,393 for each fiscal year. The contract will be assigned a contract number and the revenue deposited in Fund 326 (Health Fund). \$224,393 will be recommended for appropriation through the second amendment in the FY2024 Appropriations Ordinance in the Health Fund (Fund 326). Funding in the amount of \$224,393 per fiscal year will be subject to appropriation in the FY2025 through FY2026 budgets in the Health Fund (Fund 326) for a projected total amount \$673,179 for July 1, 2024 to June 30, 2026.

Spending of these grant funds is subject to Council approval of the budget and the Annual Appropriations Ordinances each fiscal year. There is no local match required for this grant.

CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City of Berkeley provides a broad range of public health program services to the community, with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death.

The Foster Care grant serves a specific purpose in the Department’s work towards improving the health of our community. The Foster Care Program, which includes Early

Periodic Screening, Diagnosis, and Treatment (EPSDT) services, assures access to complete health assessments for the early detection and prevention of disease and disabilities for low-income children and youth in the foster care system. The County Foster Care grant is a long standing multidisciplinary collaborative partnership through the County Department of Children and Family Services and Public Health Nursing (PHN). Public Health Nursing services include health consultation, service provision, liaison services and the creating and keeping of medical passports/records for the children/youth in the PHN's caseload.

#### **BACKGROUND**

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City is entitled to specific funding from Alameda County to meet core public health objectives. The Division is committed to providing essential services to the community to prevent the spread of disease and to promote healthy environments.

#### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### **RATIONALE FOR RECOMMENDATION**

These funds support vital services related to our mandates as a public health jurisdiction and local initiatives designed to address health inequities in Berkeley and improve the health of Berkeley residents. This non-competitive grant supports the Department's mission and provides the City with funding to continue working to protect and improve the health of the community.

#### **ALTERNATIVE ACTIONS CONSIDERED**

Staff did not identify an alternative action consistent with the City's goals of advancing public health and social and racial equity.

#### **CONTACT PERSON**

Janice Chin, Manager, Public Health Division, HHCS, (510) 981-5121

Attachments:

1. Resolution

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE FOSTER CARE PROGRAM TO PROVIDE PUBLIC HEALTH NURSING SERVICES FOR CHILDREN IN FOSTER CARE PROGRAMMING

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division (HHCS/ PHD), is committed to assuring access to complete health assessments for the early detection and prevention of disease and disabilities for low-income children and youth including children in the foster care system; and

WHEREAS, HHCS provides a broad range of needed public health program services to the community; and

WHEREAS, HHCS works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, HHCS seeks to achieve health equity; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to accept Alameda County funding for fiscal years 2024 through 2026 for the Foster Care Program, Services to Enhance Early Development (SEED): to provide Public Health Nursing services for low-income children and youth including children in the foster care system; execute any resultant revenue agreements; and conduct the services and appropriation of funding in the estimated amount of \$673,179 for July 1, 2023 to June 30, 2026 for related expenses. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Authorizing a Lease of 830 University Avenue to Berkeley Free Clinic

RECOMMENDATION

Adopt first reading of an Ordinance authorizing the City Manager to enter into a lease for 830 University with Berkeley Free Clinic.

FISCAL IMPACTS OF RECOMMENDATION

Berkeley Free Clinic will pay \$2,000 per month in facility costs for the duration of the lease. Revenue will be deposited into Fund 673, a building maintenance fund, so that these funds can be available for maintenance and repairs to this historic building.

CURRENT SITUATION AND ITS EFFECTS

The Council approved a lease with Lifelong Medical Care (Lifelong) on September 19 and October 5, 2023 with Ordinance 7,887. Lifelong will operate a Trust Clinic at the site with the primarily intent to provide culturally responsive healthcare services for people experiencing homelessness.

Berkeley Free Clinic will be losing the site that they have occupied for years, due to redevelopment plans at that property, and proposes to relocate their services to 830 University as well. The Berkeley Free Clinic is a worker-run collective that works to ensure that comprehensive, private health services are available to everyone.

Lifelong and Berkeley Free Clinic worked together to plan for use of the building, and will enter into an agreement regarding mutual responsibilities for this project prior to executing this lease. They are planning to make limited interior updates and renovations. This lease will run for five years with an option to renew.

BACKGROUND

The City has owned and operated the building at 830 University as a public health clinic since 1916. Ann Chandler (1941-2012) was a director of the Alameda County Public Health Laboratory for 25 years and a Berkeley City Council member from 1984 to 1992. She backed the creation of a teen health clinic at Berkeley High School, advocated for people with HIV/AIDS, pressed for increased TB testing, and expanded mental health services, and the facility was named after her (the Ann Chandler Public Health Center).

In recent years the Department of Health, Housing, and Community Services Public Health Division (HHCS/PH) operated out of this site. Services included sexual and reproductive health, immunizations, Black Infant Health, and the Women, Infant, and Children (WIC) nutrition program. With changes in health insurance provision and benefits, demand for services decreased at this clinic over time. In 2022, HHCS/PH consolidated its sexual and reproductive health services at the High School Health Center and moved other services to the West Berkeley Family Center at 1900 Sixth Street, with a goal of creating a welcoming environment for children and families.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability and climate impacts associated directly with the subject matter of this report.

#### RATIONALE FOR RECOMMENDATION

Leasing the 830 University site to Berkeley Free Clinic and Lifelong will ensure that a robust array of health care services, reaching both people experiencing homelessness and people who are not well-served or served at all by other health care options, will continue to be available in Berkeley. Berkeley Free Clinic and Lifelong will expand and carry on Berkeley's more than 100 year tradition of providing health services at this site.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify another use of the site which would continue the legacy of the Ann Chandler Health Center and make full use of a site designed for clinic services.

#### CONTACT PERSON

Amy Davidson, Deputy Director, HHCS, 510-981-5406

#### Attachments:

1: Ordinance

Exhibit A: Lease by and between City of Berkeley and Berkeley Free Clinic

ORDINANCE NO. -N.S.

LEASING THE ANN CHANDLER HEALTH CENTER AT 830 UNIVERSITY  
TO BERKELEY FREE CLINIC

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. FINDINGS:

1. The City of Berkeley acquired 830 University Avenue in 1933 for use as a health clinic.
2. The Department of Health, Housing, and Community Services' Public Health Division ceased operating clinic services in 830 University Avenue in early 2023.
3. Berkeley Free Clinic has proposed to move their current operations to this location.

Section 2. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO A LEASE FOR 830 UNIVERSITY.

The City Manager is hereby authorized to enter into a five-year lease agreement with the option for a five-year extension with Berkeley Free Clinic for real property located at 830 University and known at the Ann Chandler Health Center. Such lease shall be on substantially the terms set forth in Exhibit A.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

**LEASE**

**By and Between**

CITY OF BERKELEY  
a Charter City organized and existing under the laws of the State of California  
("Landlord")

**and**

BERKELEY COMMUNITY HEALTH PROJECT DBA BERKELEY FREE CLINIC  
a non-profit corporation  
("Tenant")

Dated:                     , 2023

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### EXHIBITS

|             |                                                                         |
|-------------|-------------------------------------------------------------------------|
| Exhibit A-1 | Legal Description of Property                                           |
| Exhibit A-2 | Depiction of the Premises                                               |
| Exhibit B   | May 20, 2022 Building Inspection Report by E. A. Davidovits & Co., Inc. |

**LEASE**

**BASIC LEASE INFORMATION**

- 1. **Landlord:** City of Berkeley, a Charter City organized and existing under the laws of the State of California  
2180 Milvia Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704  
Attn: Deputy Director, Health, Housing, and Community Services  
Telephone: 510-981-5400
  
- 2. **Tenant:** Berkeley Community Health Project dba Berkeley Free Clinic, a non-profit corporation  
2339 Durant Avenue  
Berkeley, CA 94704  
Phone: 510-548-2570
  
- 3. **Effective Date:** \_\_\_\_\_, 2023
  
- 4. **Premises:** Approximately ten thousand (10,000) rentable square feet of space in the building commonly known and referred to as 830 University Avenue, Berkeley, California 94710 (the "**Premises**").
  
- 5. **Permitted Uses:** Medical office and clinical operations to serve low income and unhoused residents of the City of Berkeley. Any other associated or related legal uses shall be permitted.
  
- 6. **Initial Term:** Five (5) years, commencing as of the "**Commencement Date**" as that term is defined in the Lease.
  
- 7. **Rent:** In lieu of base rent, a monthly Maintenance Fee of two thousand dollars (\$2,000) (hereinafter "Maintenance Fee" or "Rent") shall be paid due during the Initial Term and during any Additional Term.

The Basic Lease Information set forth above and the Exhibits attached hereto are incorporated into and made a part of the following Lease. In the event of any conflict between the Basic Lease Information and terms of the Lease, the terms of the Lease shall control.

LANDLORD'S INITIALS \_\_\_\_\_

TENANT'S INITIALS \_\_\_\_\_

## LEASE

This Lease Agreement ("**Lease**") is made and entered into as of the effective date specified in Section 3 of the Basic Lease Information, above ("**Effective Date**"), by and between City of Berkeley, a Charter City organized and existing under the laws of the State of California ("**Landlord**" or "**City**"), and Berkeley Community Health Project dba Berkeley Free Clinic, a non-profit corporation ("**Tenant**").

### 1. PREMISES.

1.1. Premises. Landlord is the owner of the land parcel(s) on which the Premises are located (the "**Property**"). A legal description of the Property is attached hereto and incorporated by reference as Exhibit A-1. Landlord hereby leases to Tenant, and Tenant leases from Landlord, the Premises together with Tenant Improvements (defined below), if any. A drawing depicting the general location and layout of the demised Premises is attached hereto and incorporated by reference as Exhibit A-2. Any improvements or alterations existing in the Premises, or otherwise constructed by Tenant or on Tenant's behalf therein pursuant to Section 9 of this Lease are referred to in this Lease as "**Tenant Improvements.**"

1.2. Commencement Date: [REDACTED], 2023

1.3. Delivery Condition. Except as otherwise expressly provided, Tenant shall accept the Premises "as is."

1.4. Premises Name. Tenant acknowledges that the Premises has been known as the Ann Chandler Public Health Clinic, and agrees that any name Tenant gives to its operations at the Premises shall include the term "Ann Chandler." By way of example, Tenant may use the name "Berkeley Free Clinic at the Ann Chandler Health Center."

### 2. TERM.

2.1. Initial Term. The "**Initial Term**" of this Lease shall be as set forth in Section 6 of the Basic Lease Information and shall commence as of the Commencement Date set forth in Section 1.2 of the Lease. The Initial Term together with any Renewal Term(s), if any, are collectively referred to herein as the "**Term.**"

2.2. Renewal Term. Tenant shall have one (1) option to renew this Lease for a term of five (5) years (the "**Renewal Term**").

2.2.1 Right to Exercise. Tenant may exercise the option to renew this Lease only if it is fully compliant and current with all obligations after any applicable notice and cure periods as provided for under the Lease.

2.2.2 Notice. Tenant will provide Landlord with written notice of its election to renew the Lease with no less than six (6) months, prior to the end of the Term. If Tenant fails to provide such notice, its right to renew the Lease will not expire until fifteen (15) working days after the Tenant's receipt of Landlord's written demand that the Tenant exercise or forfeit the option to renew.

2.2.3 Extension of Term. Upon the commencement of a Renewal Term, all references to the Term of this lease will be deemed to mean the Term as extended pursuant to this Section 2.2.

### 3. RENT

3.1. Maintenance Fees in Lieu of Base Rent. In lieu of base rent, Tenant shall pay Maintenance Fees as set forth in Section 7 of the Basic Lease Information. Maintenance Fees under this Lease shall become due as of the Commencement Date. Maintenance Fees shall be paid as set forth in Section 7 of the Basic Lease Information and this Section 3. Tenant shall pay to Landlord, at Landlord's address designated in Section 1 of the Basic Lease Information, or at such other address as Landlord may from time to time designate in writing to Tenant for the payment of Maintenance Fees, the Maintenance Fees designated in Section 7 of the Basic Lease Information, without notice, demand, offset or deduction, in advance, on the first day of each month of the Term. Upon execution of this Lease, Tenant shall pay to Landlord the first month's Maintenance Fees. If Maintenance Fees are due for a period of less than a full month, the amount due shall be prorated for such partial month on the basis of a 30-day month.

3.1.1 Application of Payments. All payments received by Landlord from Tenant shall be applied to the oldest obligation owed by Tenant to Landlord. No designation by Tenant, either in a separate writing, on a check or money order, or otherwise shall modify this clause or have any force or effect.

### 4. UTILITIES

4.1. Tenant Utility and Service Costs. Tenant shall pay for all utilities and services required or desired by Tenant in connection with its use or occupancy of the Premises, including: (i) heat and air conditioning; (ii) water; (iii) gas, if applicable; (iv) elevator or lift service, if any; (v) electricity; (vi) telephone, computer, communications; (vii) trash pick-up; and (viii) any other materials, services, or utilities (individually and collectively, the "**Services**").

4.2. Conservation and Use Policies. Tenant, at its expense, shall comply with federal, state, or local governmental controls, rules, regulations, or restrictions on the use or consumption of energy or other utilities during the Term.

### 5. TAXES

5.1. Taxes. Tenant represents and warrants that Tenant is a not for profit organization and is exempt from possessory interest tax.

### 6. INSURANCE

6.1. Landlord. Landlord shall maintain insurance or an insurance equivalent insuring the Premises (excluding Tenant's Property and any Tenant Improvements) on an occurrence basis against fire and extended coverage (including, "all risk" coverage, earthquake/volcanic action, flood and/or surface water insurance) similar in type and coverage limits to that carried by Landlord on its other properties. At Landlord's option, such insurance or insurance equivalent



may be carried under any blanket or umbrella policies or other insurance or insurance equivalent which Landlord has in force for other buildings or projects. Landlord may also carry such other insurance as Landlord may deem prudent or advisable, in such amounts and on such terms as Landlord shall determine. All such insurance or insurance equivalent maintained by Landlord pursuant to this Section 6.1 is referred to herein as "**Landlord's Insurance.**"

6.2. Tenant.

6.2.1 Tenant at its cost shall maintain public liability and property damage insurance with a single combined liability limit of \$2,000,000, and property insurance against all risks of loss to any tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision, including glass insurance and property damage limits of not less than \$200,000 insuring against all liability of Tenant and its authorized representatives arising out of and in connection with Tenant's use or occupancy of the Premises. All such insurance shall insure performance by Tenant of the indemnity provisions set forth in Section 7. All insurance shall name the City of Berkeley, its officers, agents, volunteers and employees as additional insureds and shall provide primary coverage with respect to the City. All such insurance or insurance equivalent maintained by Tenant pursuant to this Section 6.2 is referred to herein as "**Tenant's Insurance.**"

6.2.2 If the insurance referred to in this Section 6.2 is written on a Claims Made Form, then following termination of this lease, coverage shall survive for a period of not less than five years. Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this lease.

6.2.3 Tenant at its cost shall maintain on all its personal property, tenant's improvements, and alterations, in on, or about the Premises, a policy of standard fire and extended coverage insurance, with vandalism and malicious mischief endorsements. This coverage shall be considered primary, and the proceeds from any such policy shall be used by Tenant for the replacement of personal property or the restoration of tenant's improvements or alterations.

6.2.4 If Tenant employs any person, it shall carry workers' compensation and employer's liability insurance and shall provide a certificate of insurance to the Landlord. The workers' compensation insurance shall: provide that the insurance carrier shall not cancel, terminate, or otherwise modify the terms and conditions of said insurance except upon thirty (30) days prior written notice to the Landlord (or, if the insurer will not agree to give such notice, Tenant must promptly notify the City of any such cancellation, termination or modification of coverage); provide for a waiver of any right of subrogation against Landlord to the extent permitted by law; and be approved as to form and sufficiency by the Landlord's Risk Manager, such approval not to be unreasonably withheld, conditioned or delayed.

6.2.5 Tenant shall forward copies of all insurance documents to: Department of Public Works, Real Property Division, 1947 Center Street, Fifth Floor, Ste. 521, Berkeley, California, 94704.

6.2.6 Waivers of Subrogation. Notwithstanding every other provision of this Lease to the contrary, Landlord shall not be liable (by way of subrogation or otherwise) to Tenant (or to any insurance company insuring Tenant), and Tenant shall not be liable (by way of subrogation or otherwise) to Landlord (or to any insurance company insuring Landlord), for any loss or damage to any of the property of Landlord or Tenant, as applicable, with respect to the Building, the Property or the Premises or any addition or improvements thereto, or any contents therein, to the extent covered by insurance carried or required to be carried by Landlord or Tenant, as applicable, even though such loss might have been occasioned by the negligence or willful acts or omissions of Landlord or Tenant, as applicable, or their respective employees, agents, contractors or invitees. Landlord and Tenant shall give their respective insurance providers which issue policies of insurance, with respect to the items covered by this waiver, written notice of the terms of this mutual waiver, and shall have such insurance policies properly endorsed, if necessary, to prevent the invalidation of any of the coverage provided by such insurance policies by reason of such mutual waiver. For the purpose of the foregoing waiver, the amount of any deductible applicable to any loss or damage shall be deemed covered by, and recoverable by Landlord or Tenant, as applicable, under the insurance policy to which such deductible relates.

## **7. INDEMNITY; LIABILITY EXEMPTION.**

7.1. Indemnity. Except to the extent claims are caused by Landlord's negligence or willful misconduct, Tenant shall indemnify, protect, defend, and hold harmless Landlord and its elected officials, officers, employees, volunteers, lenders, agents, representatives, contractors and each of their successors and assigns from and against any and all claims, judgments, causes of action, damages, penalties, costs, liabilities, and expenses, including all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon, arising at any time during or after the Term as a result (directly or indirectly) of or in connection with (i) any default in the performance of any obligation on Tenant's part to be performed under the terms of this Lease, where the same continues beyond applicable notice and cure periods; (ii) Tenant's use of the Premises, the conduct of Tenant's business or any activity, work or thing done, permitted or suffered by Tenant in or about the Premises or the Property; (iii) all damages, liability, fines, penalties, and any other consequences arising from any noncompliance or violation of any laws, Ordinances, codes, or regulations, including but not limited to the Occupational Safety and Health Act of 1979 and the Americans with Disabilities Act of 1990; or (iv) any act, error or omission of Tenant in or about the Property or any portion thereof (collectively, the "**Indemnification**"). Tenant shall provide such Indemnification by and through counsel reasonably acceptable to Landlord; provided, additionally, that the Berkeley City Attorney's Office may participate in the response to or defense of any Indemnification claim under this Section 7.1 at the City's sole expense. Without limiting Tenant's Indemnification obligations, Landlord shall be entitled to participate in the defense of any third party claim that is reasonably likely to give rise to Indemnification claim under this Section 7.1. Landlord shall indemnify, protect, defend, and hold harmless Tenant and its officers, employees, volunteers, lenders, agents, representatives, contractors and each of their successors and assigns from and against any and all claims, judgments, causes of action, damages, penalties, costs, liabilities, and expenses, including all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon, arising at any time

during or after the Term as a result (directly or indirectly) of or in connection (1) the active negligence or willful misconduct of Landlord, or its officers, employees, volunteers, lenders, agents, representatives, contractors and each of their successors and assigns, and (2) any default in the performance of any obligation on Landlord's part to be performed under the terms of this Lease. The obligations of Tenant and Landlord under this Section 7.1 shall survive the expiration or other termination of this Lease with respect to any claims or liability arising prior to such expiration or other termination.

7.2. Exemption of Landlord from Liability. Tenant, as a material part of the consideration to Landlord, hereby assumes all risk of damage to property including, but not limited to, Tenant's Property and any Tenant Improvements, and injury to or death of persons in, upon or about the Premises or the Property arising from any cause, and Tenant hereby waives all claims in respect thereof against Landlord, except to the extent such claims are caused by Landlord's active negligence or willful misconduct. Tenant hereby agrees that Landlord shall not be liable for injury to Tenant's business or any loss of income therefrom or for damage to the property of Tenant, or injury to or death of Tenant's officers, agents, or employees, or any other person in or about the Premises or the Property, whether such damage or injury is caused by fire, steam, electricity, gas, water or rain, or from the breakage, leakage or other defects of sprinklers, wires, appliances, plumbing, air conditioning or lighting fixtures, or from any other cause, whether said damage or injury results from conditions arising within or about the Premises or the Property or from other sources or places, except damage or injury caused by Landlord's active negligence or willful misconduct. Landlord shall not be liable for any damages arising from any act or neglect of any other tenant or occupant, if any, of the Premises or the Property except to the extent such damages are caused by Landlord's failure to enforce the terms of any agreements or any applicable law with parties other than Tenant.

## **8. REPAIRS AND MAINTENANCE.**

8.1. Landlord's Repair and Maintenance. During the Term, Landlord shall be responsible for maintaining in good order, condition, and repair the following elements of the Premises: the foundations and footings of the Premises; all structural elements of the Premises, including roof structure, exterior walls, and interior bearing walls. Landlord's repair and maintenance requirements under this Section 8.1 shall include the necessary replacement of any of the listed elements of the Premises; provided, however, the scope of such requirements shall be subject to whether landlords of comparable buildings in the City of Berkeley would make the replacements of the listed elements of the Premises.

8.1.1 Performance by Tenant. If Tenant determines that any elements of the Premises subject to this Section 8.1 require maintenance, repair, or replacement, Tenant shall provide written notice of such to Landlord. Should Landlord fail to perform, within a reasonable time after such notice by Tenant, any maintenance, repairs, or replacements subject to this Section 8.1 (and expressly including Landlord's reasonable discretion hereunder), Tenant shall have the right (but not the obligation) to undertake such actions as may reasonably be required to effect a cure of Landlord's failure to so perform. Prior to undertaking any such actions, however, Tenant shall consult with Landlord's Director of Public Works or their designee to determine the appropriate scope and cost of such actions. Landlord shall reimburse Tenant for all agreed upon,

reasonable and necessary costs of cure within thirty (30) days after Tenant's delivery if an itemized statement of such costs, together with reasonable supporting documentation. Tenant may offset against Rent and other sums due to Landlord under the Lease any undisputed sums not timely paid by Landlord to Tenant, including interest thereon at the maximum lawful rate.

8.2. Parking, Exterior Lighting, Landscaping. Tenant shall maintain the exterior lighting system and landscaping of the Building, in good order, condition, and repair.

8.3. Security. Tenant shall maintain all locks and key systems used in the Premises.

## **9. TENANT IMPROVEMENTS.**

9.1. Pre-Approved Tenant Improvements. Tenant acknowledges that Lifelong Medical Care agrees to perform all maintenance, repairs and replacements called for by the May 20, 2022 Building Inspection Report by E. A. Davidovits & Co., Inc. (including all appendices but with the exception of roof maintenance or replacement), attached hereto as Exhibit B at its sole cost and expense.

9.2. Further Tenant Improvements. Tenant may make future alterations and improvements to the Premises with Landlord's prior written consent, not to be unreasonably withheld, conditioned, or delayed. Tenant shall have no duty to remove any alterations or improvements unless they are not customary for medical office use and Landlord notifies Tenant of the removal requirement at the time Landlord gives its consent to the alterations or improvements. Tenant may, at its sole cost and expense, install, operate, maintain, upgrade, repair, or replace an alarm, access control, or other building security system. Tenant may, at its sole cost and expense, install, operate, maintain, upgrade, repair, or replace, a solar electric generating system, which may include rooftop solar panels and battery backups. Landlord expressly grants Tenant the right to install solar panels on the roof of the Premises, and Tenant shall have no duty to remove such solar panels.

9.3. Standard of Work. All work to be performed by or on behalf of Landlord and Tenant shall be performed diligently and in a first-class, workmanlike manner, and in compliance with all applicable Laws and all insurance carrier requirements. Landlord shall have the right, but not the obligation, to periodically inspect such work and may require changes in the method or quality thereof. In no event shall such work materially obstruct access to the Property or any portion thereof.

9.4. Damage; Removal. Tenant shall repair all damage to the Premises, Property and any portions thereof caused by the installation or removal of alterations or other work performed by or on behalf of Tenant. If Landlord requires Tenant to remove improvements under Section 9.2, Tenant shall remove Tenant's trade fixtures and other improvements, alterations and additions and restore the Premises to their condition existing prior to the construction or installation of any such items and perform any closure work, investigation and environmental remedial work required by the presence or suspected presence of any Hazardous Materials under Hazardous Materials Laws (as hereinafter defined) or by any other applicable Laws, but only to the extent Tenant, and not the Landlord or Lifelong (or their respective officers, employees, volunteers, lenders, agents, representatives, contractors and each of their successors and assigns),

is responsible for causing the presence or suspected presence of Hazardous Materials in violation of Hazardous Materials Laws. All such removals and restoration shall be accomplished in a good and workmanlike manner so as not to cause any damage to the Premises or the Property whatsoever and in strict accordance with all applicable Laws.

9.5. Liens. Tenant shall promptly pay and discharge all claims for labor performed, supplies furnished and services rendered at the request of Tenant and shall keep the Premises and Property and all portions thereof free of all mechanics' and materialmen's liens in connection therewith. Tenant shall provide at least ten (10) business days' prior written notice to Landlord before any labor is performed, supplies furnished or services rendered on or at the Premises and Landlord shall have the right to post on the Premises notices of non-responsibility. If any lien is filed, Tenant shall cause such lien to be released and removed within twenty (20) days after the date of filing, and if Tenant fails to do so, Landlord may take such action as may be necessary to remove such lien, without the duty to investigate the validity of it, and Tenant shall pay Landlord such amounts expended by Landlord together with interest thereon, at the Applicable Interest Rate, from the date of expenditure.

9.6. Bonds. Landlord may require Tenant to provide Landlord, at Tenant's sole cost and expense, lien, performance, and payment completion bonds in an amount equal to one and one-half times the estimated cost of any alterations, additions, or improvements to insure Landlord, the Premises and the Property against any liability for mechanic's and materialmen's liens, and to ensure completion of the work and payment of any contractors or subcontractors.

## **10. USE; JOINT POSSESSION; INSPECTION; QUIET ENJOYMENT.**

10.1. Usage. The Premises shall be used only for the permitted uses set forth in Section 5 of the Basic Lease Information and for no other purpose without the prior written consent of Landlord. Tenant acknowledges that, except as expressly set forth in this Lease, neither Landlord nor any of Landlord's agents has made any representation or warranty with regard to the Premises, any Tenant Improvements, or the Property with respect to their suitability for the conduct of Tenant's business. Tenant, at Tenant's expense, shall comply with all applicable Hazardous Materials Laws, statutes, laws, codes, rules, orders, zoning, ordinances, directions, regulations, regulations, permits, or other requirements of federal, state, county, municipal, or other governmental authorities having jurisdiction, now in force or which may hereafter be in force (individually "**Law**" and collectively "**Laws**"), which shall impose any duty upon Landlord or Tenant with respect to the use, occupancy, or alteration of the Premises; provided, however, if the Hazardous Materials was pre-existing prior to the Commencement Date, then Landlord, at its sole cost and expense, shall remedy such condition to comply with all Laws, and further provided that Tenant shall not be required under this Lease to remedy any such condition to the extent it is caused by Lifelong. Tenant shall be responsible for obtaining any permit or license required by any governmental agency permitting Tenant's use of the Premises.

10.2. Joint Possession of and Operations on the Premises. Landlord and Tenant acknowledge and agree that, Landlord shall enter into a separate lease for the Premises with Lifelong to run concurrently with this Lease. Landlord and Tenant further acknowledge and agree that concurrently with the execution of this Lease, Tenant, and Lifelong will enter into a joint operating agreement ("**JOA**") under which Lifelong will occupy the Premises between the

hours of 8:00 a.m. and 5:30 p.m. Monday through Friday, and Tenant will occupy the Premises on weekends and during the weekday hours not devoted to Lifelong's use. It is understood that Lifelong shall be required under the JOA to operate in a manner consistent with the terms of this Lease. The JOA, as it may be revised or amended from time to time, shall be subordinate to the terms of this Lease. The parties agree their usage of the Premises space shall comply with any and all applicable requirements under the Health Insurance Portability and Accountability Act and other legal and health care regulatory requirements. In the event that the lease between Landlord and Lifelong terminates or expires, then Tenant shall have exclusive possession of the Premises twenty-four (24) hours a day, seven (7) days a week with no reduction in the Maintenance Fee. Upon the termination or expiration of the lease between Landlord and Lifelong, the JOA shall be automatically terminated.

10.3. Inspection. Landlord, or its representative or contractor, may enter the Premises by prior appointment with at least two business days' written notice between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted, to determine that (i) the Premises is being reasonably cared for, (ii) no waste is being made and that all actions affecting the Premises are done in the manner best calculated to preserve the Premises, and (iii) Tenant is in compliance with the terms and conditions of this lease.

10.4. Quiet Enjoyment. Tenant may not commit, or suffer to be committed, any waste upon the Premises, or any nuisance or other act or thing that may disturb the quiet enjoyment of any other occupant of the Building. For so long as Tenant is in compliance with the material terms of this Lease, Landlord shall warrant and defend Tenant in the quiet enjoyment and possession of the Premises during the Term. Tenant acknowledges and agrees that possession or use of the Premises by Lifelong in a manner consistent with the terms of any JOA pursuant to Section 10.2 and any applicable laws shall not constitute a violation of this Section 10.4.

## 11. ENVIRONMENTAL MATTERS.

11.1. Hazardous Materials Defined. As used in this lease, the term "**Hazardous Materials**" refers to any and all pollutants, wastes, flammables, explosives, radioactive materials, hazardous, biohazardous, or toxic materials, hazardous, biohazardous, or toxic wastes, hazardous, biohazardous, or toxic substances, carcinogenic materials or contaminants, and all other materials governed, monitored, or regulated by any Federal, State or local law or regulation, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act, the Hazardous Substances Account Act, and/or the Resources Conservation and Recovery Act.

11.2. Warranty; Hold Harmless. Landlord warrants that Landlord has no knowledge of the presence of any Hazardous Materials or other contamination in or under the Premises or Property in violation of any laws, codes, rules, orders, ordinances, directives, regulations, permits, or other requirements of federal, state, county, municipal or governmental authorities having jurisdiction, now in force or which may hereafter be in force concerning the management, use, generation, storage, transportation, presence, discharge or disposal of Hazardous Materials. Landlord shall defend, save, protect and hold Tenant harmless from any loss arising out of the presence of any Hazardous Materials on the Property that was not brought to the Property by or

at the request of Tenant, its agents, contractors, invitees or employees. Landlord acknowledges and agrees that Tenant has no obligation to clean up or remediate, or contribute to the cost of clean-up or remediation, of any Hazardous Materials unless such Hazardous Materials are released, discharged or spilled on or about the Property by Tenant or any of its agents, employees, contractors, invitees or other representatives. The obligations of this Section shall survive the expiration or earlier termination of this Lease.

## **12. DAMAGE AND DESTRUCTION.**

12.1. Perilous Condition. If, during the Term, Landlord's Director of Public Works becomes aware of a perilous condition on the Premises that, in his or her opinion, substantially and significantly threatens the health and safety of Tenant's employees or invitees (a "**Perilous Condition**"), the Director of Public Works, or his or her designee, will immediately notify Tenant of such Perilous Condition, and Tenant shall use best efforts to promptly eliminate the Perilous Condition. Tenant shall immediately address any condition reasonably constituting an emergency, whether Tenant learns of the condition through Landlord or otherwise. If Tenant fails to address a Perilous Condition within thirty six (36) hours after Landlord's notice or to immediately address an emergency situation, Landlord may attempt to resolve the Perilous Condition or emergency situation. Subject to repair and maintenance obligations set forth in Section 8, Tenant shall reimburse Landlord for any costs incurred by Landlord in addressing the Perilous Condition or emergency situation promptly upon receipt of any Landlord's invoice for such costs.

12.2. Insured Casualty. If, during the Term, the Premises are totally or partially destroyed or utility services are cut off from any cause rendering the Premises totally or partially inaccessible or unusable (the "**Casualty**"), and if the restoration can be made under then existing Laws and can be completed within one hundred twenty (120) days after obtaining all necessary permits therefor and if the costs of such restoration are compensable by Landlord's insurance (an "**Insured Casualty**"), then Landlord shall restore the Premises (excluding Tenant's Property and any Tenant Improvements) to substantially the same condition as they were in immediately before destruction. If the existing Laws do not permit the restoration or if the costs of such restoration are not compensable by Landlord's insurance, either party may terminate this Lease by giving ninety (90) days' prior written notice to the other party. In case of Insured Casualty, there shall be an abatement or reduction of Maintenance Fees owed to Landlord, between the date of Insured Casualty and the date of completion of restoration if restoration takes place, or the earliest allowed date of termination if restoration does not take place and whether or not the Lease is terminated, based on the proportion to which the destruction renders the Premises unusable by Tenant for the ordinary conduct of business.

12.3. Tenant's Fault. If the Premises, the Property, or any portion thereof, are damaged resulting from the negligence or breach of this Lease by Tenant or any of its agents, employees, contractors, invitees or other representatives and Tenant fails to cure such damage within a reasonable amount of time following written notice from Landlord, Maintenance Fees owed to Landlord shall not be reduced during the repair of such damage, Tenant shall have no right to terminate this Lease as provided in Section 12.1, and Tenant shall be liable to Landlord for the cost of the repair caused thereby to the extent such cost is not covered by insurance proceeds.

12.4. Repair Limitation. Notwithstanding anything in this Lease to the contrary, Landlord shall not be required to repair any injury or damage, by fire or other cause, to Tenant's Property or any Tenant Improvements, if any, or to rebuild, repair or replace any decorations, alterations, partitions, fixtures, trade fixtures, additions or other improvements installed on the Premises by or for Tenant, unless and to the extent Landlord has received insurance proceeds from Tenant's property insurance as provided in Section 6.2 above, and neither Tenant or Landlord has opted to terminate this Lease as provided in Section 12.1.

12.5. Waiver. The provisions of this Lease contain an express agreement between Landlord and Tenant that applies in the event of any Casualty. Tenant fully waives the provisions of any statute or regulation, including California Civil Code sections 1932(2) and 1933(4) (as amended from time to time, and successor statutes thereto) for any rights or obligations concerning a Casualty.

### 13. EMINENT DOMAIN.

13.1. Effect on Rights and Obligations. If the whole or any substantial part of the Premises, or if the Property or any portion thereof which would leave the remainder of the Property unsuitable for the Permitted Uses, or if the land on which the Property is located or any material portion thereof, shall be taken or condemned for any public or quasi public use under governmental law, ordinance or regulation, or by right of eminent domain, or by private purchase in lieu thereof (each a "Taking"), then Landlord may, at its option, terminate this Lease and Maintenance Fees shall be abated during the unexpired portion of this Lease, effective when the physical taking of said Premises or said portion of the Property or land shall occur. However, if Landlord does not, in its sole discretion, opt to terminate this Lease in accordance with this Section 13, then this Lease shall remain in effect. Landlord shall maintain or terminate the leases of all other tenants in the Property who are similarly situated to Tenant consistent with its option with regard to Tenant. Notwithstanding the foregoing, if the whole of the Premises is subject to the Taking, or if the portion of the Premises not affected by the Taking is not in Tenant's business judgment reasonably suitable for Tenant's continued occupancy, Tenant may terminate this Lease as of the date of the Taking and be relieved of all obligations thereafter accruing under this Lease. If Tenant elects to terminate this Lease, Tenant must exercise its right to terminate by giving written notice to Landlord within 30 days after the Taking, as of the date of termination, which date shall not be earlier than 30 days nor later than 90 days after Tenant has notified Landlord of its election to terminate; except that this Lease shall terminate on the date of Taking if the date of Taking falls on a date before the date of termination as designated by Tenant. If Tenant does not terminate this Lease within the 30-day period, this Lease shall continue in full force and effect, except that the Maintenance Fees owed to Landlord thereafter to be paid shall be reduced on a pro-rata basis. Tenant shall notify Landlord in writing of any condemnation or threatened condemnation within ten (10) days after Tenant receives notice of said action or threatened action. Where only a portion of the Premises is subject to a Taking and neither Landlord nor Tenant terminates this Lease, Landlord shall promptly restore the remainder of the Premises into an architectural whole and functional condition and the Maintenance Fees for any portion of the Premises subject to (or rendered unusable by) the Taking shall be abated during the unexpired Term effective when the physical taking of said portion of the Premises shall occur. Provided that Landlord complies with the preceding sentence, the Taking shall not be



construed to constitute an actual or constructive eviction of Tenant or a breach of any express or implied covenant of quiet enjoyment.

13.2. Award. In connection with any condemnation, Landlord shall be entitled to receive all compensation and anything of value awarded, paid, or received in settlement or otherwise ("**Award**") and Tenant hereby irrevocably assigns and transfers to Landlord all rights to and interests in the Award and fully waives, releases, and relinquishes any claim to, right to make a claim on, or interest in the Award, including any amount attributable to any excess of the market value of the Premises for the remainder of the Term over the present value as of the termination date of the Rent payable for the remainder of the Term (commonly referred to as the "**bonus value**" of the Lease). Notwithstanding the foregoing, any portions of such award or proceeds which are specifically allocated by the condemning or purchasing party for the taking of or damage to trade fixtures of Tenant and moving and relocation costs shall be reserved specifically for Tenant.

#### 14. DEFAULT.

14.1. Events of Default. The occurrence of any of the following events shall, at Landlord's option, constitute an "**Event of Default**:"

14.1.1 As to Tenant: (i) Tenant's failure to pay Maintenance Fees within ten business days after receipt of a written notice of such failure from Landlord to Tenant; (ii) Tenant's failure to comply with any other material term or provision of this Lease if such failure is not remedied within thirty (30) days after receipt of a written notice specifying the nature of the breach in reasonably sufficient detail; provided, however, if such default cannot reasonably be remedied within such thirty day period, then a default will not be deemed to occur until the occurrence of Tenant's failure to comply within the period of time that may be reasonably required to remedy the default, up to an aggregate of ninety days (90), provided Tenant commences curing such default within thirty (30) days and thereafter diligently proceeds to cure such default.

14.1.2 As to Landlord: Landlord's failure to perform any obligation under this Lease if such failure is not remedied within thirty (30) days after receipt of a written notice from Tenant to Landlord specifying the nature of the breach in reasonably sufficient detail; provided, however, if such breach cannot reasonably be remedied within such thirty (30) day period, then a default will not be deemed to occur until the occurrence of Landlord's failure to perform within the period of time that may be reasonably required to remedy the breach, up to an aggregate of ninety (90) days, provided Landlord commences curing such breach within thirty (30) days and thereafter diligently proceeds to cure such breach. Notwithstanding the foregoing, if Landlord's failure to perform any obligation under this Lease renders the Premises wholly or partially unusable by Tenant for the ordinary conduct of business for more than two (2) consecutive business days, then Landlord shall remedy such failure within five (5) business days after receiving written notice from Tenant to Landlord and Tenant shall be entitled to an abatement of Maintenance Fees owed to Landlord, to be prorated on the basis of a 30-day month, for the number of days such failure is not remedied after Landlord receives written notice from Tenant. For the avoidance of doubt, the abatement of rent provided for under this Section shall not be Tenant's sole remedy for Landlord's failure to perform Lease obligations.

14.2. Remedies.

14.2.1 Termination. In the event of the occurrence of any Event of Default, Landlord shall have the right to give a written termination notice to Tenant and, on the date specified in such notice (which date shall be at least three (3) business days following the date of delivery of such notice), this Lease shall terminate unless on or before such date all arrears of Rent and all other sums payable by Tenant under this Lease and all costs and expenses incurred by or on behalf of Landlord hereunder shall have been paid by Tenant and all other Events of Default at the time existing shall have been fully remedied to the satisfaction of Landlord.

A. Repossession. Following termination, without prejudice to other remedies Landlord may have, Landlord may (i) peaceably re-enter the Premises upon voluntary surrender by Tenant, or remove Tenant therefrom and any other persons occupying the Premises following reasonable written notice, using such legal proceedings as may be available; (ii) repossess the Premises or relet the Premises or any part thereof for such term (which may be for a term extending beyond the Term), at such rental and upon such other terms and conditions as Landlord in Landlord's sole discretion shall determine, with the right to make reasonable alterations and repairs to the Premises; and (iii) remove all personal property therefrom.

14.3. Cumulative. Each right and remedy of Landlord provided for herein or now or hereafter existing at Law or in equity, by statute or otherwise shall be cumulative and shall not preclude Landlord from exercising any other rights or remedies provided for in this Lease or now or hereafter existing at Law or in equity, by statute or otherwise. No payment by Tenant of a lesser amount than the Maintenance Fees nor any endorsement on any check or letter accompanying any check or payment of Maintenance Fees shall be deemed an accord and satisfaction of full payment thereof; and Landlord may accept such payment without prejudice to Landlord's right to recover the balance of such Maintenance Fees or to pursue other remedies.

**15. ASSIGNMENT AND SUBLETTING.**

15.1. Landlord's Consent. Tenant shall not assign, sublet or otherwise transfer, whether voluntarily or involuntarily or by operation of Law, this Lease, the Premises or any part thereof, without Landlord's prior written approval, which approval shall not be unreasonably withheld, conditioned, or delayed. Upon the assignment of the Lease by Tenant, the Tenant will have no further obligation under the Lease.

15.2. Joint Possession not a Sublease. Landlord and Tenant acknowledge and agree that the JOA shall not constitute a sublease or assignment under this Section 15.

**16. NON-DISCRIMINATION AGAINST PERSONS WITH DISABILITIES**

16.1. If Tenant provides any aid, service or benefit to others on the City's behalf, Tenant shall, in the provision of such aid, service or benefit, observe and comply with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 and any amendments thereto. Tenant shall further observe and comply with all applicable federal, state, municipal and local laws, Ordinances, codes and regulations prohibiting discrimination against

individuals with disabilities or ensuring that individuals with disabilities are not excluded from participating in or receiving benefits, services or activities of the City.

16.2. If Tenant is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Tenant shall observe and comply with all applicable provisions of the Act and any amendments thereto, and all applicable federal, state, municipal and local laws, Ordinances, codes and regulations prohibiting discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations offered by the Tenant. All Tenant's activities must be in accordance with these laws, Ordinances, codes, and regulations, and Tenant shall be solely responsible for complying therewith.

## **17. CITY NON-DISCRIMINATION ORDINANCE**

17.1. Tenant agrees to comply with the provisions of Berkeley Municipal Code Chapter 13.26 as amended from time to time. In the performance of this lease, the Tenant agrees as follows:

17.1.1 The Tenant shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age (over 40), sex, pregnancy, marital status, disability, sexual orientation or AIDS.

17.1.2 The Tenant shall permit the Landlord access to records of employment advertisements, application forms, EEO-1 forms, affirmative action plans and any other documents which, in the opinion of the Landlord, are necessary to monitor compliance with this non-discrimination provision, and will, in addition, fill-out in a timely fashion, forms supplied by the Landlord to monitor these non-discrimination provisions.

## **18. NUCLEAR FREE BERKELEY**

18.1. Tenant agrees to comply with Berkeley Municipal Code Chapter 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

## **19. OPPRESSIVE STATES**

19.1. In accordance with Resolution No. 59,853-N.S., Tenant certifies that it has no contractual relations with, and agrees during the term of this Lease to forego contractual relations to provide personal services to or to purchase, sell, lease or distribute commodities in the conduct of business with, the following entities:

- (1) The governing regime in any Oppressive State.
- (2) Any business or corporation organized under the authority of the governing regime of any Oppressive State.

- (3) Any individual, firm, partnership, corporation, association, or any other commercial organization, and including parent-entities and wholly-owned subsidiaries (to the extent that their operations are related to the purpose of its contract with the City), for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State

19.2. For purposes of this lease, the Tibet Autonomous Region and the provinces of ADO, Kham, and U-Tsang shall be deemed oppressive states.

19.3. Tenant's failure to comply with this section following thirty (30) days' written notice from Landlord shall constitute a default of this lease and Landlord may terminate this lease pursuant to Section 14. In the event that the City terminates this lease due to a default under this provision, City may deem Tenant a non-responsible bidder for five (5) years from the date this lease is terminated.

## **20. BERKELEY LIVING WAGE ORDINANCE**

20.1. Tenant agrees to comply with Berkeley Municipal Code Chapter 13.27, the Berkeley Living Wage Ordinance. If Tenant employs six (6) or more part-time, full-time or stipend employees, and generates \$350,000 or more in annual gross receipts, Tenant will be required to provide all eligible employees with City mandated minimum compensation during the term of this lease, as defined in B.M.C. Chapter 13.27, and well as comply with the terms enumerated herein.

20.2. Tenant shall be required to maintain all reasonable records and documents that would establish whether Tenant is subject to Berkeley's Living Wage Ordinance (LWO). If Tenant is subject to the LWO, as defined therein, Tenant shall be further required to maintain monthly records of those employees located on the leased Premises. These records shall include the total number of hours worked, the number of hours spent providing service on the leased property, the hourly rate paid, and the amount paid by Tenant for health benefits, if any, for each of its employees providing services under the lease. The records described in this Section shall be made available upon the City's request. The failure to produce these records upon demand shall be considered an Event of Default. The City shall (i) handle such records and documents in accordance with any and all applicable requirements under the Health Insurance Portability and Accountability Act and other legal and health care regulatory requirements and (ii) not disclose Tenant's Confidential Information, except as expressly permitted in this Lease or otherwise required by law.

The term "Confidential Information" shall include non-public information about the Tenant's business or activities that is proprietary and/or confidential, including, without limitation, all business, financial, technical, and other information of a party marked or designated as "confidential" (or some similar designation) or that, by its nature or the circumstances surrounding its disclosure, should reasonably be regarded as confidential. Landlord hereby agrees to (i) use the Confidential Information of the Tenant solely for the purpose of performing its obligations under this Agreement; (ii) hold the Tenant's Confidential Information in strict confidence, and; (iii) not disclose such Confidential Information or any part thereof, to any person, except those officers, employees, agents or professional advisors (or those of its

Affiliates) with a strict “need to know” in order for the Landlord to perform its obligations hereunder, provided that such officers, employees, agents or professional advisors shall prior to any disclosure, have agreed by signed writing or otherwise to be bound by confidentiality obligations no less strict than those described herein. Confidential Information shall not include (i) any information already rightfully in the public domain at the time of its disclosure or subsequently released into the public domain by the Tenant; (ii) any information already rightfully in the possession of the Landlord at the time of its disclosure by the Tenant without an obligation to maintain its confidentiality; (iii) any information that is independently developed by the Landlord without use of or reference to any Confidential Information of the Tenant, in either case such fact being proven through documentary evidence; (iv) information obtained by the Landlord from a third Party not in breach of any confidentiality obligations to the Tenant (v) information required to be disclosed by law, a court order or competent government authority, provided that in such case the Landlord shall, to the extent permitted by law, promptly inform the Tenant of such requirement of disclosure such that the Tenant has an opportunity to object to the production or disclosure by seeking a protective order.

Landlord acknowledges that the Tenant considers its Confidential Information to contain confidential, proprietary, trade secret information of the Tenant and that any unauthorized use or disclosure of such information would cause the Tenant irreparable harm for which its remedies at law would be inadequate. Accordingly, Landlord acknowledges and agrees that the Tenant will be entitled in addition to any other remedies available to it at law or in equity, to seek the issuance of injunctive relief, enjoin any breach or threatened breach of the Landlord’s obligations hereunder with respect to the Confidential Information of the Tenant, in addition to such further injunctive relief as any court of competent jurisdiction may deem just and proper.

20.3. If Tenant is subject to the LWO, Tenant shall include the requirements of the Ordinance, as defined in B.M.C. Chapter 13.27, in any and all subleases in which Tenant enters with regard to the subject Premises. Subtenants shall be required to comply with this Ordinance with regard to any employees who spend 25% or more of their compensated time on the Premises.

20.4. If Tenant fails to comply with the requirements of this the LWO and this Lease, the City shall have the rights and remedies described in this Section 20, in addition to any rights and remedies provided by law or equity.

20.5. Tenant's failure to comply with this Section 20 shall constitute an Event of Default. In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of \$50 per employee per day for each and every instance of an underpayment to an employee. It is mutually understood and agreed that Tenant's failure to pay any of its eligible employees at least the applicable living wage rate will result in damages being sustained by the City; that the nature and amount of the damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damage for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty of forfeiture for Tenant's breach.

## **21. BERKELEY EQUAL BENEFITS ORDINANCE**

21.1. Tenant hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Tenant is currently subject to the Berkeley Equal Benefits Ordinance, Tenant will be required to provide all eligible employees with City mandated equal benefits during the term of this lease, as defined in B.M.C. Chapter 13.29, as well as comply with the terms enumerated herein.

21.2. If Tenant is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Tenant agrees to supply the City with any records the City deems necessary to determine compliance with this provision. Failure to do so shall be considered an Event of Default. The City shall (i) handle such records in accordance with any and all applicable requirements under the Health Insurance Portability and Accountability Act and other legal and health care regulatory requirements and (ii) not disclose Tenant's Confidential Information, except as expressly permitted in this Lease or required by law.

21.3. If Tenant fails to comply with the requirements of this Section 21, City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

21.4. Tenant's failure to comply with this Section 21 shall constitute an Event of Default. In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of \$50.00 per employee per day for each and every instance of violation of this Section 21. It is mutually understood and agreed that Tenant's failure to provide its employees with equal benefits will result in damages being sustained by City; that the nature and amount of these damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damages for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty or forfeiture for Tenant's breach.

## **22. SANCTUARY CITY CONTRACTING ORDINANCE**

22.1. Tenant hereby agrees to comply with the provisions of the Sanctuary City Contracting Ordinance, B.M.C. Chapter 13.105. In accordance with this Chapter, Tenant agrees not to provide the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security with any Data Broker or Extreme Vetting Services as defined herein:

- a. "Data Broker" means either of the following:
  1. The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies;
  2. The aggregation of data that was collected for another purpose from that for which it is ultimately used.

- b. “Extreme Vetting” means data mining, threat modeling, predictive risk analysis, or other similar services. Extreme Vetting does not include:
  - 1. The City’s computer-network health and performance tools;
  - 2. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer-based activity.

**23. CONFLICT OF INTEREST PROHIBITED**

23.1. In accordance with California Government Code Section 1090, Berkeley City Charter Section 36 and B.M.C. Chapter 3.64, neither Tenant nor any employee, officer, director, partner or member of Tenant, or immediate family member of any of the preceding, shall have served as an elected officer, an employee, or a committee or commission member of Landlord, who has directly or indirectly influenced the making of this Lease.

23.2. In accordance with California Government Code Section 1090 and the Political Reform Act, (Government Code Section 87100 et seq.,) no person who is a director, officer, partner, trustee, employee or consultant of Tenant, or immediate family member of any of the preceding, shall make or participate in a decision made by Landlord or any of its boards, commissions or committees, if it is reasonably foreseeable that the decision will have a material effect on any source of income, investment or interest in real property of that person or Tenant, except to the extent permitted by 2 California Code of Regulations, Section 18700(c)(2).

23.3. Interpretation of this paragraph shall be governed by the definitions and provisions use in the Political Reform Act, Government Code section 87100 et seq., its implementing regulations, manuals and codes, Government Code section 1090, Berkeley City Charter section 36 and B.M.C. Chapter 3.64, as amended from time to time.

**24. MISCELLANEOUS.**

24.1. General.

24.1.1 Integration. This Lease, together with all exhibits and attachments hereto, the separate lease between Landlord and Lifelong, and the JOA, set forth all the agreements between Landlord and Tenant concerning the Property and the Premises, and there are no agreements either oral or written other than as set forth therein.

24.1.2 Time of Essence. Time is of the essence of this Lease.

24.1.3 Attorneys' Fees. If any action is commenced which arises out of or related to this Lease, the prevailing party shall be entitled to recover from the other party such sums as the court may adjudge to be reasonable attorneys' fees, expert fees, and expenses in the

action, in addition to costs and expenses otherwise allowed by Law. In all other situations, including any matter arising out of or relating to any bankruptcy or other voluntary or involuntary proceeding, in or out of court, for the adjustment of debtor-creditor relationships, Tenant agrees to pay all of Landlord's costs and expenses, including attorneys' fees and expert fees, which may be incurred in enforcing or protecting Landlord's rights or interests.

24.1.4 Severability. If any provision of this Lease or the application of any such provision shall be held by a court of competent jurisdiction to be invalid, void or unenforceable to any extent, the remaining provisions of this Lease and the application thereof shall remain in full force and effect and shall not be affected, impaired or invalidated.

24.1.5 Law. This Lease shall be construed and enforced in accordance with the Laws of the State of California, without reference to its choice of law provisions.

24.1.6 Interpretation. The titles to the sections of this Lease are not a part of this Lease and shall have no effect upon the construction or interpretation of any part of this Lease. As used in this Lease, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others where and when the context so dictates. The word "including" shall be construed as if followed by the words "without limitation." This Lease shall be interpreted as though prepared jointly by both parties.

24.1.7 No Option. Submission of this Lease to Tenant for examination or negotiation does not constitute an option to lease, offer to lease or a reservation of, or option for, the Premises; and this Lease shall become effective and binding only upon the execution and delivery hereof by Landlord and Tenant.

24.1.8 Successors and Assigns. This Lease shall be binding upon and inure to the benefit of the successors and assigns of Landlord and, subject to compliance with the terms of Section 15, Tenant.

24.1.9 Third Party Beneficiaries. Nothing herein is intended to create any third party benefit.

24.1.10 No Agency, Partnership or Joint Venture. Nothing contained herein nor any acts of the parties hereto shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture by the parties hereto or any relationship other than the relationship of landlord and tenant.

24.1.11 Merger. The voluntary or other surrender of this Lease by Tenant or a mutual cancellation thereof or a termination by Landlord shall not work a merger and shall, at the option of Landlord, terminate all or any existing subtenancies or may, at the option of Landlord, operate as an assignment to Landlord of any or all of such subtenancies.

24.2. Business License. Tenant certifies that it has obtained or applied for a City of Berkeley business license number as required by Berkeley Municipal Code Chapter 9.04; or Tenant claims that it is exempt from the provisions of B.M.C. Ch. 9.04 and has written below the specific B.M.C. section under which it is exempt.



24.3. Fixtures and Signs. Tenant may (i) make any lawful and proper minor alterations to the Premises; (ii) attach fixtures and interior signs in and on the Premises; and attach signage on the exterior of Building ("**Tenant Fixtures**"). Any signs referring to the name of the Premises shall include the term "Ann Chandler" consistent with the requirements of Section 1.3. Any Tenant Fixtures will remain the property of Tenant and may be removed from the Premises by Tenant at any time during the Term. All alterations and Tenant Fixtures are subject to Landlord's approval, which shall not be unreasonably withheld, conditioned, or delayed, and must comply with existing code requirements. All Tenant Fixtures shall be at Tenant's sole cost and expense. Installations and removals of Tenant Fixtures shall be made in such manner as to avoid injury or defacement of the Premises, and Tenant shall repair any injury or defacement, including discoloration caused by such installation or removal. All signs on the Premises shall conform to the provisions of Berkeley Municipal Code Chapter 20.04. Tenant shall be responsible for all fees, costs and expenses associated with installation and removal of Tenant Fixtures. In the event any such fees, costs or expenses are incurred by Landlord (whether directly or indirectly), Landlord shall deliver to Tenant an invoice, with reasonable supporting documentation, and Tenant shall reimburse Landlord for those amounts within thirty (30) days after receipt of such invoice.

24.4. Pesticides. All use of pesticides on the Premises shall be in compliance with the City of Berkeley's Pesticide Use Policy as it exists at the time of such use.

24.5. Prior Possession. Prior to the Commencement Date, Tenant has the right to (i) undertake Tenant Improvements, and (ii) store supplies and equipment in the Premises.

24.6. Waiver. No waiver of any default or breach hereunder shall be implied from any omission to take action on account thereof, notwithstanding any custom and practice or course of dealing. No waiver by either party of any provision under this Lease shall be effective unless in writing and signed by such party. No waiver shall affect any default other than the default specified in the waiver and then such waiver shall be operative only for the time and to the extent therein stated. Waivers of any covenant shall not be construed as a waiver of any subsequent breach of the same.

24.7. Limitation of Liability. Whenever Landlord transfers its interest, Landlord shall be automatically released from further performance under this Lease and from all further liabilities and expenses hereunder and the transferee of Landlord's interest shall assume all liabilities and obligations of Landlord hereunder from the date of such transfer.

24.8. Notices. All notices to be given hereunder shall be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or delivered by personal or courier delivery, or sent by facsimile (immediately followed by one of the preceding methods), to Landlord's address and Tenant's address set forth in Sections 1 and 2 of the Basic Lease Information, or to such other place as Landlord or Tenant may designate in a written notice given to the other party. Notices shall be deemed served upon the earlier of receipt or three (3) days after the date of mailing.

24.9. Brokerage Commission. Landlord and Tenant each represents that they have not been represented by any broker in connection with this Lease, and that no real estate broker's

commission, finder's fee or other compensation (individually and collectively, "**Commission**") is due or payable. Tenant agrees to indemnify and hold harmless Landlord from any claims or liability, including reasonable attorneys' fees, in connection with a claim by any person for a Commission based upon any statement, representation or agreement of Tenant.

24.10. Authorization. Each individual or entity executing this Lease on behalf of Tenant represents and warrants that he or she or it is duly authorized to execute and deliver this Lease on behalf of Tenant and that such execution is binding upon Tenant.

24.11. Holding Over. If, with Landlord's express written consent, Tenant holds over the Premises or any part thereof after expiration or earlier termination of the Term, such holding over shall constitute a month-to-month tenancy on all the other terms and conditions of this Lease, except that any obligations resulting from any JOA shall only hold over to the extent the JOA is still in effect. This section shall not be construed as Landlord's permission for Tenant to hold over. Acceptance of Maintenance Fees by Landlord following expiration or termination shall not constitute a renewal of this Lease or extension of the Initial Term or the Renewal Term, as the case may be, except as specifically set forth above. If Tenant remains in possession of the Premises after expiration or other termination of this Lease without Landlord's express written consent, Tenant's continued possession shall be on the basis of a tenancy at sufferance and Tenant shall pay Maintenance Fees of two thousand dollars (\$2,000) per month. If Tenant fails to surrender the Premises upon expiration or other termination of this Lease, Tenant shall indemnify and hold Landlord harmless from and against all loss or liability resulting from or arising out of Tenant's failure to surrender the Premises, including, but not limited to, any amounts required to be paid to any tenant or prospective tenant who was to have occupied the Premises after the expiration or other termination of this Lease and any related attorneys' fees and brokerage commissions.

24.12. Surrender. Upon the expiration or other termination of this Lease or Tenant's right to possession of the Premises, Tenant shall peaceably and quietly leave and surrender to Landlord the Premises, along with appurtenances and fixtures at the Premises (except Tenant Fixtures), all in good condition, ordinary wear and tear, damage by casualty, condemnation, acts of God, and Landlord's failure to make repairs required of Landlord excepted.

24.13. Joint and Several. If Tenant consists of more than one person, the obligation of all such persons shall be joint and several.

24.14. Covenants and Conditions. Each provision to be performed by Tenant or Landlord hereunder shall be deemed to be both a covenant and a condition.

24.15. Intentionally Omitted.

24.16. Accessibility; Disability Laws. To Landlord's actual knowledge, the Premises have not undergone an inspection by a Certified Access Specialist.

"A Certified Access Specialist (CASp) can inspect the subject premises and determine whether the subject premises comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require a CASp inspection of the subject

premises, the commercial property owner or lessor may not prohibit the lessee or tenant from obtaining a CASp inspection of the subject premises for the occupancy or potential occupancy of the lessee or tenant, if requested by the lessee or tenant. The parties shall mutually agree on the arrangements for the time and manner of the CASp inspection, the payment of the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the premises. "

Since compliance with the ADA and other federal and state disability laws (collectively, "**Disability Laws**") is dependent upon Tenant's specific use of the Premises, Landlord makes no warranty or representation as to whether or not the Premises comply with Disability Laws, except as otherwise expressly provided in this Lease. In the event that Tenant's specific and particular use of the Premises, as distinguished from uses generally associated with those permitted under Section 5, requires modifications or additions to the Premises in order to be in compliance with Disability Laws, Landlord agrees to make any such necessary modifications and/or additions at Tenant's sole cost and expense.

24.17. OFAC Compliance. Tenant represents and warrants to Landlord that Tenant is not a party with whom Landlord is prohibited from doing business pursuant to the regulations of the Office of Foreign Assets Control ("**OFAC**") of the U.S. Department of the Treasury, including those parties named on OFAC's Specially Designated Nationals and Blocked Persons List. Tenant is currently in compliance with, and shall at all times during the term of this Lease remain in compliance with, the regulations of OFAC and any other governmental requirement relating thereto. In the event of any violation of this section, Landlord shall be entitled to immediately terminate this Lease and take such other actions as are permitted or required to be taken under law or in equity. **TENANT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS LANDLORD FROM AND AGAINST ANY AND ALL CLAIMS, DAMAGES, LOSSES, RISKS, LIABILITIES AND EXPENSES (INCLUDING ATTORNEYS' FEES AND COSTS) INCURRED BY LANDLORD ARISING FROM OR RELATED TO ANY BREACH OF THE FOREGOING CERTIFICATIONS.** These indemnity obligations shall survive the expiration or earlier termination of this Lease.

***[SIGNATURES FOLLOW ON NEXT PAGE]***

IN WITNESS WHEREOF, the parties have executed this Lease as of the Effective Date.

**TENANT:**  
BERKELEY COMMUNITY HEALTH  
PROJECT DBA BERKELEY FREE CLINIC,  
a non-profit corporation

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

--AND--

**LANDLORD:**  
CITY OF BERKELEY, a California Charter City

By: \_\_\_\_\_  
Print Name: Dee Williams-Ridley  
Its: City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

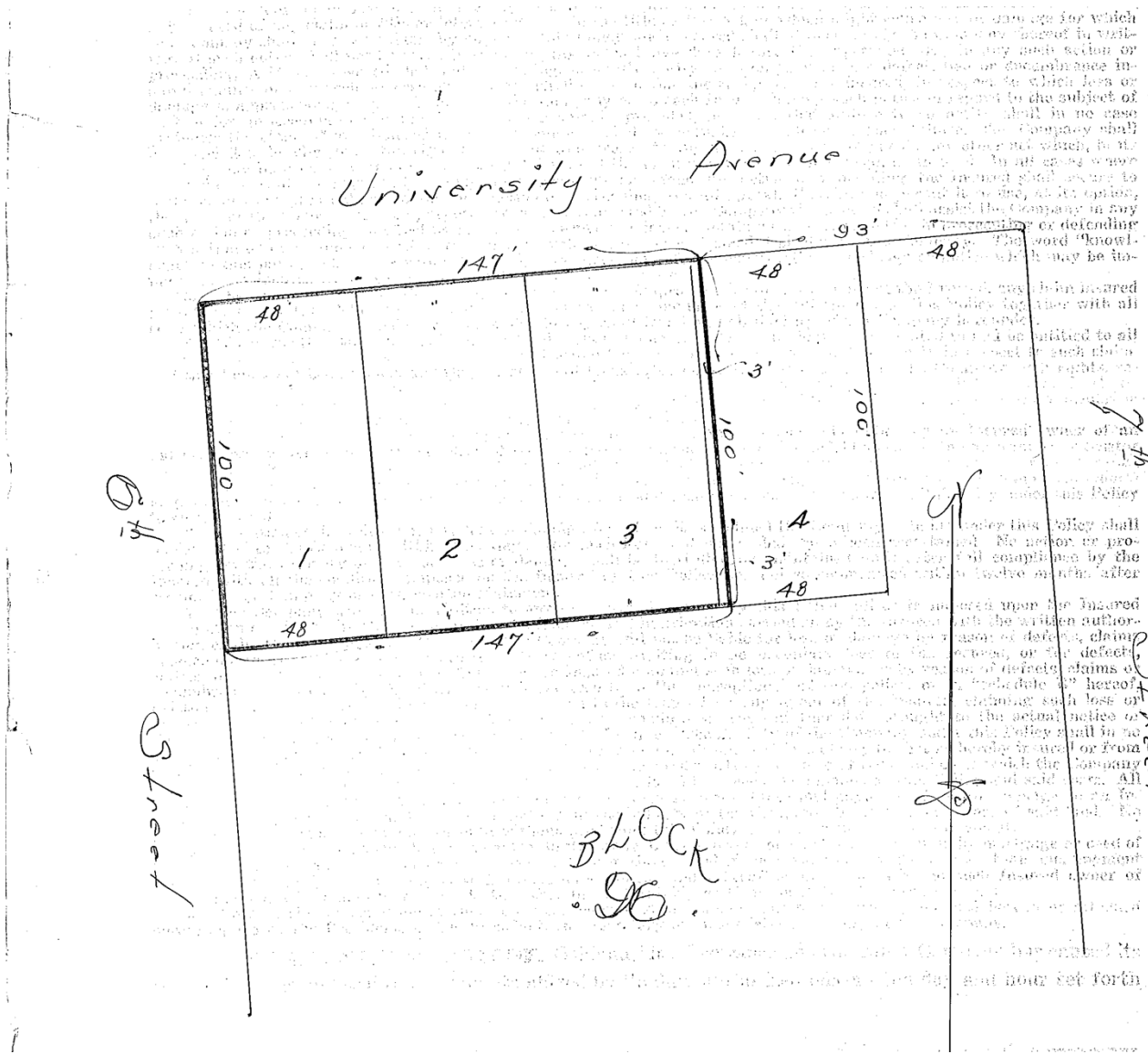
**EXHIBIT A-1**  
**Legal Description of Property**

APN: 56-1066-1

All those certain lots, pieces or parcels of land situate, lying and being in the City of Berkeley, County of Alameda, State of California, described as follows:

Beginning at the point of intersection of the Southern line of University Avenue with the Eastern line of 6<sup>th</sup> Street, as said Avenue and Street are shown on the Map hereinafter referred to; running thence Easterly along said line of University Avenue One Hundred and Forty-Seven feet; thence at right angles Southerly One Hundred feet; thence at right angles Westerly One Hundred Forty-Seven feet to the point of intersection thereof with said Eastern line of 6<sup>th</sup> Street; thence Northerly along said line of 6<sup>th</sup> Street One Hundred feet to the point of beginning.

Being all of Lots Numbered 1, 2, 3, and the Western Three feet of Lot Numbered 4, in Block Numbered 96, as said Lots and Block are delineated and so designated upon that certain Map entitled, "Map of the Sisterna Tract, Berkeley" – filed May 15, 1880 in Liber 7 of Maps, at page 43, in the office of the County Recorder of Alameda County.



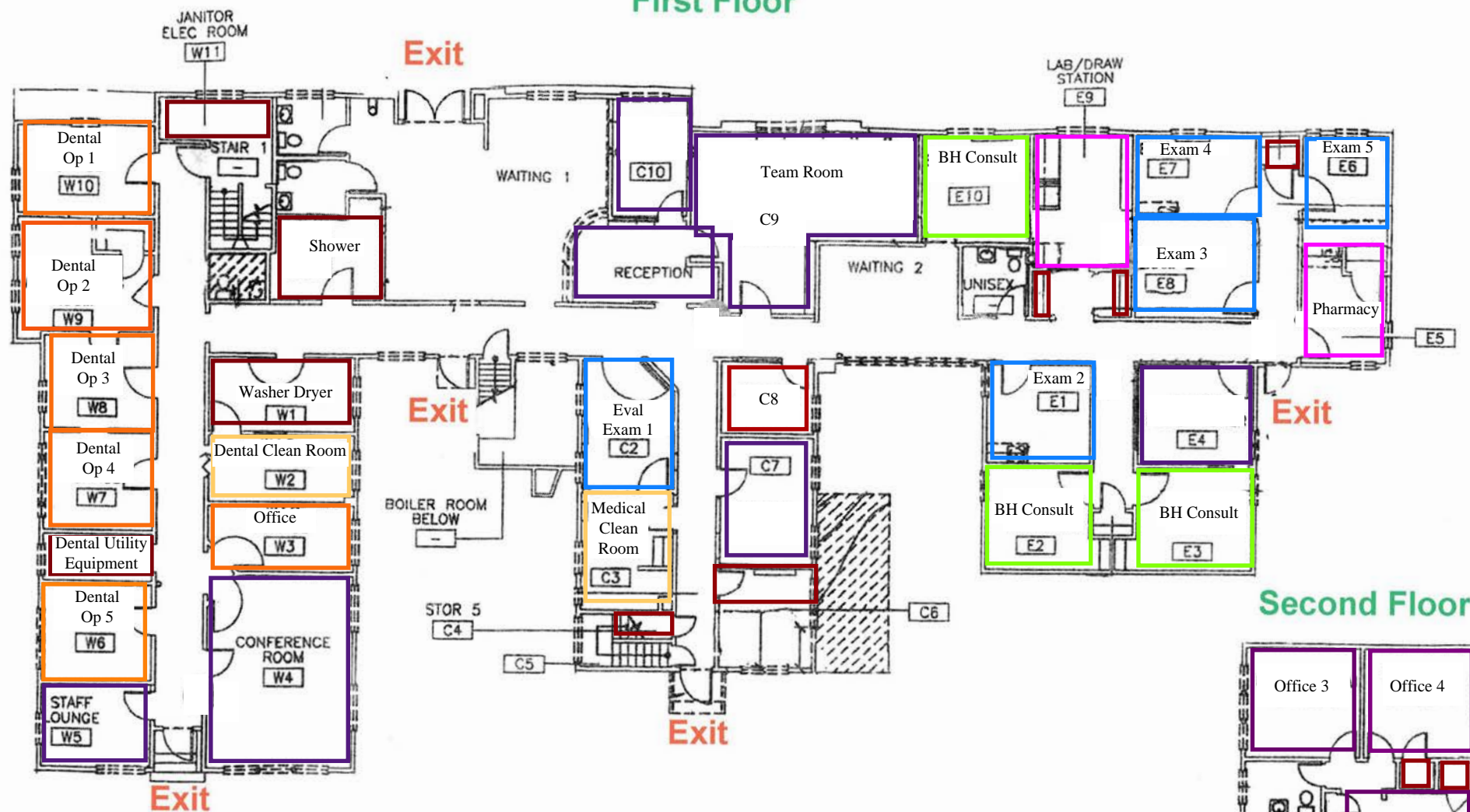
**EXHIBIT A-2**

**Depiction of Premises**

**EXHIBIT B**

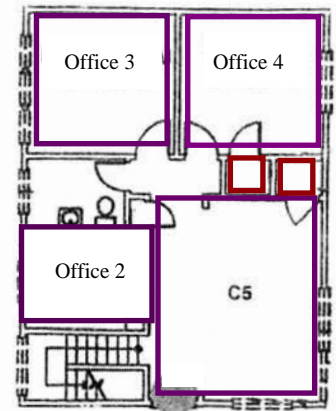
**May 20, 2022 Building Inspection Report by E. A. Davidovits & Co., Inc**





- Storage/Utility
- Dental
- Clean Room
- Behavioral Health/Counseling
- Medical Exam Room
- Shared Use
- Lab or Pharmacy

**Second Floor**



# E.A. DAVIDOVITS & Co., INC.

G e n e r a l   C o n t r a c t o r s

Tony Ng, Director of Facilities Management  
Shad Klein, Project Manager, New Initiatives  
Lifelong Medical Care  
PO Box 11247  
Berkeley, CA 94712

June 3, 2022

Re. ROM Pricing Estimate  
830 University Ave.  
Berkeley, CA 94712

Gentlemen,

Please see the following ROM Pricing Estimate based upon the Building Inspection performed. This ROM is intended as a Preliminary Estimate and should not be considered final pricing.

This is based upon the visual inspection of the property and historical pricing estimates. EA Davidovits reserves the right to modify the scope of work and pricing should additional information become available in the future. ROM makes several assumptions pertaining to the building structure, condition and capacities that may not have been able to be concluded during the brief site visit process.

This ROM is not intended to present guarantees or assurances. In order to confirm pricing, additional inspections, plans, details and review would need to be performed. Thank you for the opportunity to submit this Preliminary ROM estimate.

- Structural Report Follow Up. Includes removal of wall finishes at one location to assess substrate construction and condition. Includes replacement of sheetrock, finished to match existing, and paint touch up. Does not include structural reinforcement if necessary. ROM estimate also includes 24 additional man hours of minor (non structural) crack repair and associated touch up paint. ROM does not include waterproofing or leak repair as further evaluation is necessary.  
Estimated Cost: \$ 7,850.
- Roof. ROM Estimated pricing below
  - General Maintenance of Roof System Estimated Cost: \$ 14,500.
  - Stucco Repair Estimated Cost: \$ 5,250.
  - Gutter Repair Estimated Cost: To Be Determined
  - Replacement of Flat Roofs (if deemed necessary) Estimated Cost: \$ 65,000.
- Plumbing. Per plumbing inspection, general condition of plumbing components is good. No major improvements are recommended without first considering future usage and plans.
- Electric. No electrical improvements were recommended as a result of the electrical inspection.
- Termite treatment for the control of subterranean termites. Includes soil treatment at foundation  
Estimated Cost: \$ 6,500.

Daniel May, EA Davidovits & Co.



555 PRICE AVENUE, SUITE 200  
REDWOOD CITY, CA 94063  
LICENSE #708744

# E.A. DAVIDOVITS & Co., INC.

G e n e r a l   C o n t r a c t o r s

Tony Ng, Director of Facilities Management  
Shad Klein, Project Manager, New Initiatives  
Lifelong Medical Care  
PO Box 11247  
Berkeley, CA 94712

May 20, 2022

Re. Building Inspection  
830 University Ave.  
Berkeley, CA 94712

Gentlemen,

Please see the following information pertaining to the Building Inspection performed over two site visits on Thursday, April 28<sup>th</sup> and Tuesday May 3<sup>rd</sup>, 2022. The site inspections were performed by Construction Industry Professionals to assess the existing conditions of the building, including:

- Structural Engineering
- Roof
- Plumbing
- Electric
- Termite

Dan Williams, General Superintendent, EA Davidovits & Co, was in attendance during inspections. The follow up reports received from each of the above trades have been reviewed by Daniel May, Senior Project Manager, EA Davidovits & Co. These reports are based upon the visual inspection of the property on the dates as noted above and the experience of the industry professionals who performed them. The conclusions and/or recommendations presented within each section of this report are to be considered the opinion of the particular industry professional who wrote it. EA Davidovits & Co. shall not be held liable for any finding, conclusion or recommendation by others.

This report is to be considered an assessment of the conditions available for visual inspection and is not intended to present guarantees, assurances of code, environmental or feasibility. The inspections and reports were performed within time and accessibility restraints. In order to ensure all manner of building or property condition, suitability, compliance or potential, additional inspection and review would need to be performed.

Thank you for the opportunity to submit this report

Daniel May, EA Davidovits & Co.



555 PRICE AVENUE, SUITE 200  
REDWOOD CITY, CA 94063  
LICENSE #708744

830 University Ave.  
Berkeley, CA

# Section One: Structural

# DRE STRUCTURAL DESIGN

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May 9, 2022

Dan May  
**E.A. & Davidovits**  
555 Price Avenue, Suite 200  
Redwood City, CA 94063

**RE: 830 University Ave Berkeley, CA**  
**General Observations and Recommendations for Existing Buildings**

Dear Mr. May,

Per your request, DRE Structural Design (DRE) has completed a limited building observation to review the current existing conditions of 830 University Ave in Berkeley, California. Specifically, DRE scope is to visually review the existing building and provide structural feedback regarding the conditions with proposed conceptual structural strengthening (if any). The following letter provides a summary of observations, as well as recommendations based on engineering judgment and professional opinion regarding the current condition of the building.

## **BACKGROUND**

On April 28, 2022, DRE performed a site observation to review the general conditions of the existing building located at the above-mentioned address. As DRE understands it, the Owner is currently in the process of leasing the building and is requesting a structural observation of the existing conditions including feedback regarding structural strengthening. As part of the observation, a general structural review was performed to observe the building in its current configuration to identify any observable modification, damage, or other deficiencies which may affect the building performance.

The observation and recommendations presented in this report have been based on DRE initial site visit only. No as-built drawings of the original building were available for review.

## **OBSERVATIONS: BUILDING DESCRIPTION**

The existing building is a one-story approximately 10,000 square foot building located on a generally flat site. The building is located in a moderately developed area surrounded by commercial buildings. The current building is a public health center with medical rooms and offices. The date of construction is approximately 1950. The south-east portion of the building was added in 1982 and the elevator was added in 2009.

Based on visual observations, the existing framing appears to be a combination of wood and concrete construction. The vertical load-bearing elements consists of wood-framed roof supported by wood framed walls. There is an existing basement with concrete retaining walls. The roof framing consists of 2x6 collar tie trusses @ 2'-0" oc which span from exterior wall to exterior wall. All interior walls are wood-framed and appear to be non-bearing walls. The site is in a seismically active area and has experienced moderate to strong ground shaking from earthquakes over the design life of the structure. The seismic force resisting system (SFRS) consists of a flexible wood diaphragm which spans horizontally to wood framed walls. The existing foundations are currently unknown but likely concrete shallow footings.

The current occupancy are medical exam rooms and offices.

### **OBSERVATIONS: EXISTING BUILDING**

#### Conditions Assessment

Based on visual observations, the existing building appears to be in good condition with little or no signs of deterioration. The following below summarizes DRE observations.

1. Foundations: No significant wall or ceiling cracks were observed indicating foundation settlement or lateral movement. Current building tenants confirmed that there are no doors or windows getting stuck or jamming. The crawl space access was not accessible. The crawl space access is located outside below the Conference Room (W4).
2. Exterior Walls: Minor cracks were observed along south-west of the building, but no obvious significant damages were observed. See Photo 2.
3. Interior Walls: There are minor cracks in the ceiling and above the interior doors, but does not appear to indicate significant damages. Given the age of the building, this is to be expected. There is a potential structural crack in the hallway adjacent to the Evaluation Room 1 (C2). See below for additional recommendations.
4. Basement: The basement concrete walls look good. Minor cracks were observed but no signs of significant deficiencies. There are signs of efflorescent. See Photo 3. Efflorescence is a crystalline deposit of salts that can form when water is present in or on brick, concrete, stone, stucco or other building surfaces. It has a white or greyish tint and consists of salt deposits left behind when water evaporates. Efflorescence alone does not pose a major problem, but it can be an indication of moisture intrusion, which may compromise the structural material. In addition, the existing wall reinforcement is unknown. See below for additional for additional recommendations.
5. Roof Framing: The observable roof framing appeared to be in good condition. There were no signs of damages, excessive deflections, or decay were observed. There are signs are of rodents in the attic space.
6. Mezzanine Floor Framing: Existing finishes were in place which made it difficult to fully assess, but based on the accessible locations, it appears the existing

mezzanine is in good condition. No signs of excessive deflections were observed or felt.

#### Geological Site Hazards

Evaluation of geologic site hazards was not performed and no site specific geotechnical report was made available. However, the available California Geological Survey (CGS) seismic hazard maps were reviewed. According to California Geological Survey (CGS) hazard maps, the site is located within an area that is considered to have potential liquefaction occurrence. Please note that roughly one quarter of the San Francisco Bay region may be exposed to liquefaction with the shaking that has been forecast. The liquefaction susceptibility mapping is based on assessments of the potential for liquefaction in each Quaternary geologic map unit and applied across the entire area. A more detailed evaluation will be required, such as geotechnical borings, if any significant structural modification to the existing building considered.

Site susceptibility to seismically induced landslides and surface fault ruptures are considered to be low to moderate. Referenced geologic hazard map is included in Appendix B.

#### **RECOMMENDATIONS**

DRE site observations did not identify any imminent hazards or issues of immediate concern. There does not appear to be any potential structural or architectural conditions that pose a significant risk to occupants under gravity, wind, seismic, or daily vibration loading. Furthermore, it appears the building is compliant with the governing regulations at the time of original construction. However, there are a few concerns which are outlined below. Please note the following recommendations are conceptual only and still requires further engineering to determine size, spacing, and extent.

##### Excessive Wall Crack:

1. A significant wall crack was observed next to room C2. See Figure 1 for location and Photo 1 for crack. There appears to be a beam above the hallway and extends into the wall. The crack begins at the bottom of the beam and extends along the height of the wall. DRE recommends to remove the existing finishes to ensure the beam is properly supported with a column.

##### Basement Waterproofing and Water Drainage:

1. As mentioned above, there are signs of efflorescent in the basement level. This usually indicates water ponding or build up behind the wall (outside). DRE recommends to review the exterior water drainage to ensure all water drains away from the building.

The recommendations given above are based on site observations only. No calculations were performed. It is recommended that a more detailed existing building evaluation be performed with an accepted evaluation procedure such as ASCE 41-13, Seismic Evaluation and Retrofit of Existing Buildings (ASCE 41) if the owner decides to retrofit and seismically strengthen to meet current code. However, as mentioned above, the existing building appears to be compliant with the governing regulations at the time of the original construction.

#### **LIMITATIONS**

The services performed for this project have been provided at a level that is consistent with the general level of skill and care ordinarily provided by engineers practicing Structural Engineering. Work provided is done under the constraints of time and budget. It should also be noted that a number of factors make it difficult to fully assess the current condition of the existing structural

elements which include limited documentation available and the presence of finishes in many areas. All proposed existing framing will need to be field verified prior to construction.

DRE appreciates the opportunity to provide engineering services for this project and is available to be of further assistance as the project moves forward.

If you have any questions concerning this letter, please do not hesitate to contact me.

Sincerely,

**DRE STRUCTURAL DESIGN**

A handwritten signature in blue ink that reads "D. Espino". The signature is written in a cursive style with a large initial "D" and a stylized "Espino".

Daniel Espino, S.E.



## **APPENDIX A – EXISTING FLOOR PLAN**

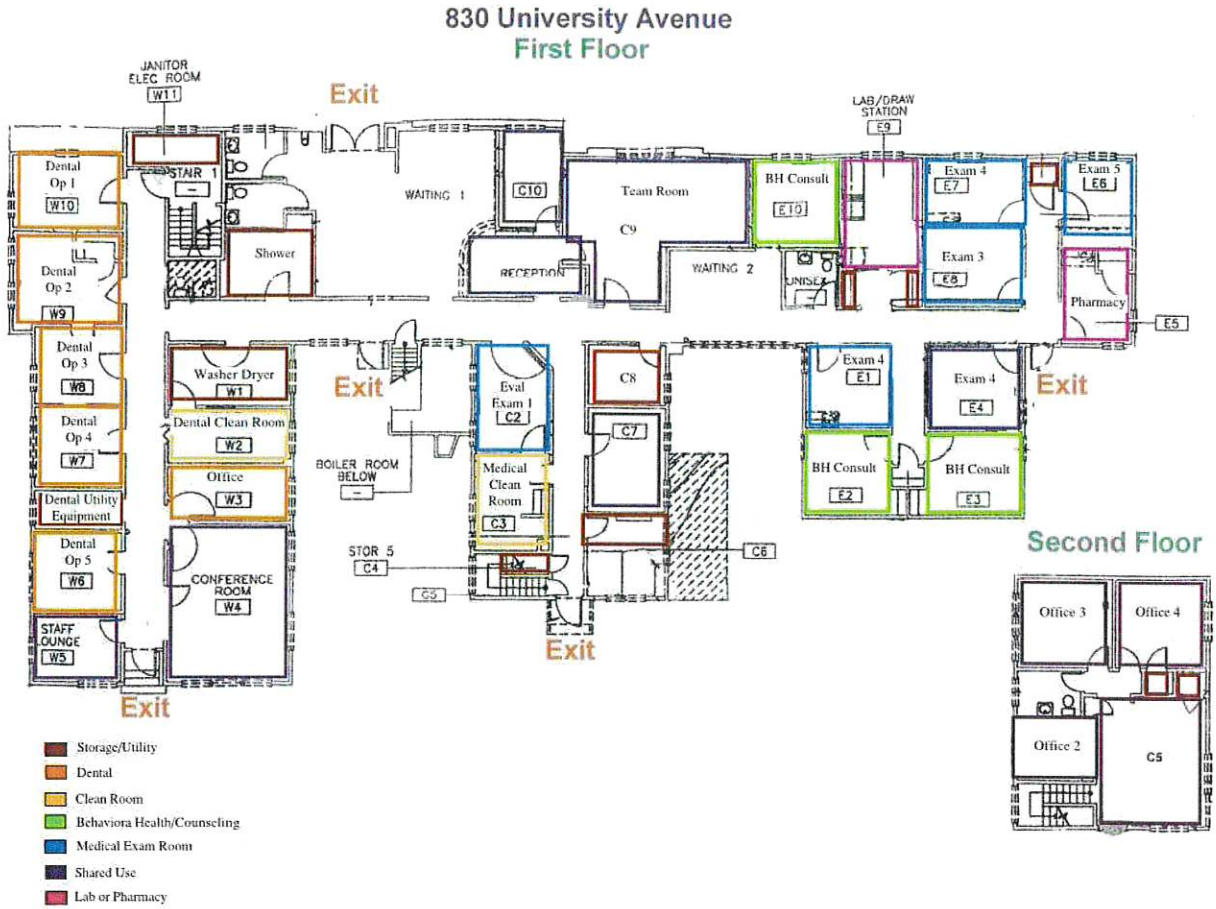


Figure 1 – Existing Floor Plan

## **APPENDIX B – GEOLOGICAL HAZARD MAPS**

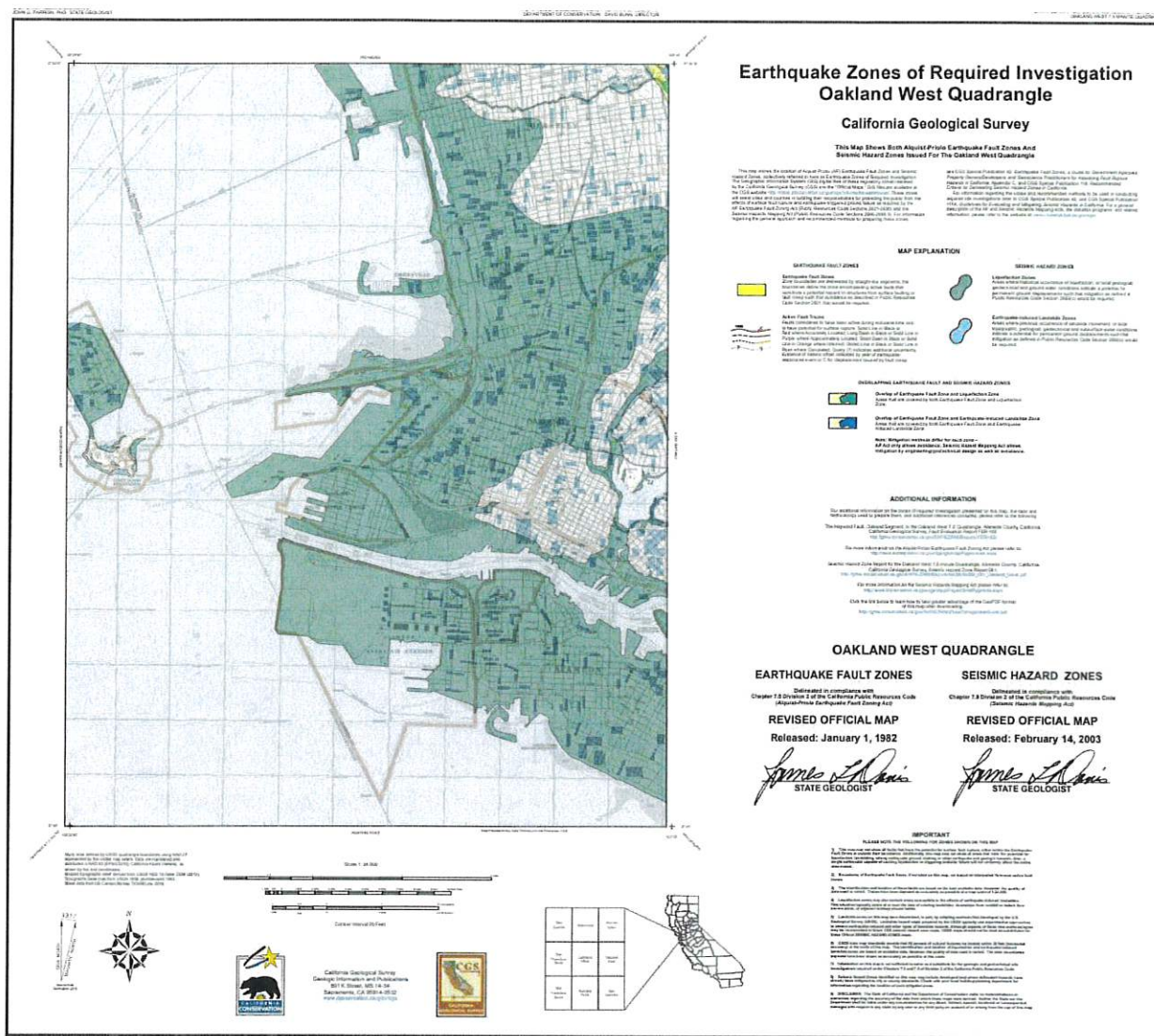
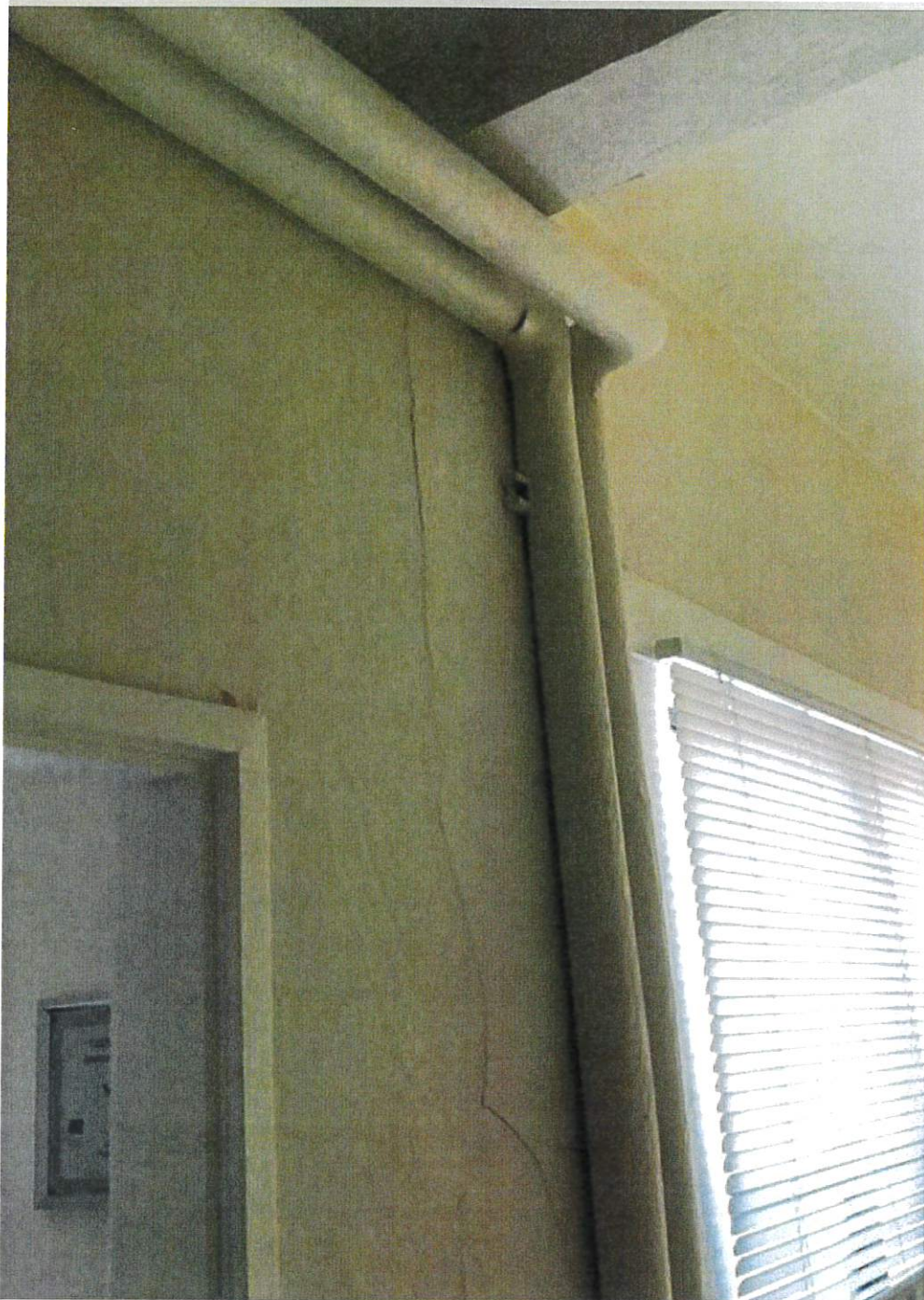


Figure 1 – USGS Geological Hazard Maps

## **APPENDIX C – PHOTOS**



**Photo 1 – Crack Below Beam at Room C2**



Photo 2 – Crack in Exterior Wall



**Photo 3 – Basement Walls**



830 University Ave.  
Berkeley, CA

# Section Two: Roof



## Roof Condition Assessment Report



**830 University Ave.  
Berkeley, CA 94710**

Date: May 12, 2022  
Inspector: Daniel Estrada

Prepared for:

**E. A. Davidovits & Co., Inc.**

## **EXECUTIVE SUMMARY AND PROPERTY DESCRIPTION**

GoGreen Roofing Corporation was contracted by E. A. Davidovits., Inc. to perform a visual inspection of the existing roofing systems at 830 University Ave Berkeley, CA. The purpose of this inspection was to assess overall condition of the existing roofing systems, identify and document readily-visible material and roofing system defects that may significantly impact the integrity of the existing roofing systems, and provide recommendations for continued operations.

Note: This inspection was limited to visual observation only.

### **Flat Roof Evaluation and Synopsis**

The inspector observed the overall condition of the BUR roofing system in poor condition and are in need of replacement. Cap sheet seams are found loose in many areas and membrane is deteriorated and showing signs of wear.

**Life expectancy:** 1 year (Gravel BUR Roof/Cap sheet roof).

**BUR Cap sheet/gravel** roof systems including all other roof components and flashings are recommended to be replaced with new Carlisle 60 Mil TPO membrane with a 20 year No Dollar Limit Warranty.

**Coping cap** seams are loose and sections are fastened at top face. It is recommended for coping cap to be replaced during re-roof process or sealed at best.

**PC pipe jack flashings** are recommended to be replaced during re-roof process or re-sealed at best.

**Parapet walls** consist of cap sheet membrane which also have loose seams and are recommended to be replaced or sealed at best.

**Roof flashings in general** are recommended to be replaced during reroof process or resealed at best.

**Flat roof drains** are in need of resealing through roof maintenance or roof replacement.

**Attics** were not inspected at this time.

**Gutters** are rusting and are in need of replacement or cleaned out at best.

**Downspouts** appear to be in fair condition but recommended to be replaced during gutter replacement.

### **Observations/Recommendations:**



**Observation:**

The surface materials on the flat roof sections throughout are severely weathered, brittle and cracking from old age. Damage to the cap sheet and seam failure was observed throughout.

**Recommendations:**

GRC highly recommends replacing all flat roofs or performing a maintenance at best; 3-course using Metacrylic's gel and polyester fabric at all loose seams if re-roof is not an option at this time. Due to current conditions, we consider the flat roofs to have met the end of its useful life. Re-roof options consist of: Carlisle TPO Single Ply 20 Year Warranty (overlay).



**Observation:**

Cap sheet corners damaged and opened to water intrusion.

**Recommendation:**

GRC highly recommends replacing all flat roofs or performing a maintenance at best; 3-course using Metacrylic's gel and polyester fabric at all loose seams if re-roof is not an option at this time. Due to current conditions, we consider the flat roofs to have met the end of its useful life. Re-roof options consist of: Carlisle TPO Single Ply 20 Year Warranty (overlay).



**Observation:**

The surface materials on the flat roof sections throughout are severely weathered, brittle and cracking from old age. Damage to the cap sheet and seam failure was observed throughout.

**Recommendations:**

GRC highly recommends replacing all flat roofs or performing a maintenance at best; 3-course using Metacrylic's gel and polyester fabric at all loose seams if re-roof is not an option at this time. Due to current conditions, we consider the flat roofs to have met the end of its useful life. Re-roof options consist of: Carlisle TPO Single Ply 20 Year Warranty (overlay).



**Observation:**

Top coat showing signs of wear.

**Recommendations:**

GRC highly recommends replacing all flat roofs or performing a maintenance at best; 3-course using Metacrylic's gel and polyester fabric at all loose seams if re-roof is not an option at this time. Due to current conditions, we consider the flat roofs to have met the end of its useful life. Re-roof options consist of: Carlisle TPO Single Ply 20 Year Warranty (overlay).



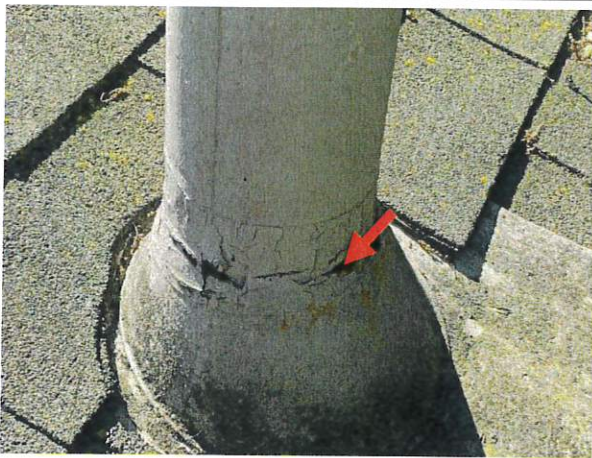
**Observation:**

Roof shingles appear to be in fair conditions and expected to last 5-8 years with proper maintenance repairs performed.



**Observation:**

Debris at shingle roofs to be cleaned out.



**Observation:**

Pipe jack seal cracked and deteriorated.

**Recommendations:**

Install new EPDM rubber collars as needed.

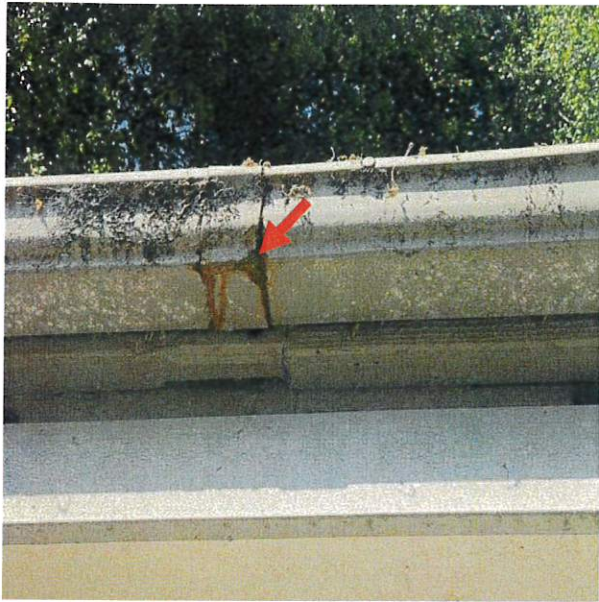


**Observation:**

Gutters were observed with debris or with organic growth.

**Recommendations:**

GRC recommends full replacement of gutters and downspouts or cleaning at best.

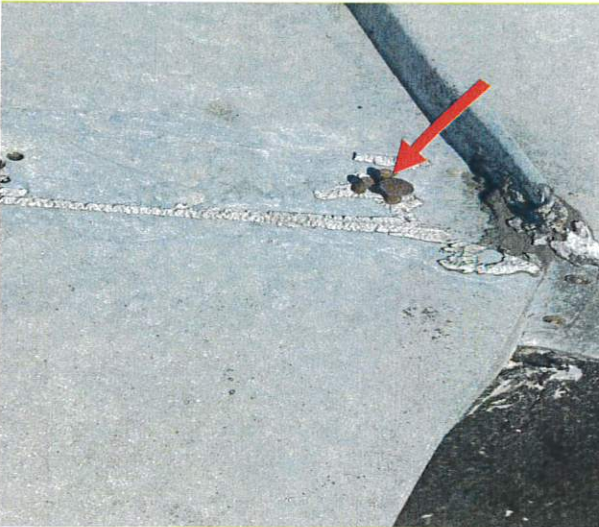


**Observation:**

Gutter seams rusting and failing.

**Recommendations:**

Remove and replace gutters with new seamless type aluminum or steel with new aluminum downspouts.



**Observation:**

Method used to secure coping metal failing resulting in damages.

**Recommended Corrective Action:**

Seal coping cap as best as possible with approved sealant.

Replace coping metal during roof replacement.



**Observation:**

Clogged collector box and rusting.

**Recommendations:**

Remove and replace collector heads and replace scuppers or clean out at best.



**Observation:**

Skylights appear to be failing at this time and sealant failing.

**Recommendations:**

Remove and replace skylights with new skylights.



**Observation:**

Severe stucco damages observed.

**Recommendations:**

Perform stucco repairs as needed and install new 3 coat stucco patch primed and painted to match as close as possible.



**Observation:**

Water intrusion damages from upper hog valley area between C8-C9.

**Recommendations:**

Perform water test at roof areas over water intrusion area and provide scope of work for required repairs.



### **Shingle Roof Evaluation and Synopsis**

The inspector observed the overall condition of the shingle roofing system which includes: field, ridge, hips, penetrations, eaves, gutters, downspouts etc. Shingle roofs appear to be in fair conditions, but maintenance is required to extend the life expectancy 5-8 years.

**Shingle roofs** consist of composition shingles. Maintenance is recommended including but not limited to: flashing refastening, collar installation, roof jack painting, cleaning etc.

**Ventilation** Please be advised no calculations have been verified or inspected through attic space.

**Hip and Ridge** shingles appear to be installed correctly and performing as intended.

**PC pipe jack flashings** appear to be installed correctly but are in need of EPDM rubber collars and storm collars installed per manufacture recommendations.

**Roof flashings in general** appear to be installed correctly with only regular maintenance required which may include paint, caulk, re-fastening with neoprene rubber fasteners.

**Skylights** are in need of replacement as sealant appears to be damaged, brittle and deteriorating.

**Gutters and downspouts** are recommended to be replaced or a cleaning at best.

**Stucco** in need of repairs at confined rake area for proper tie in with roofing step flashings to avoid immediate water intrusion during inclement weather.

**Water test** required over C8 and C9 to determine leak source area to perform proper repairs at cricket/hog valley at steep sloped roof.

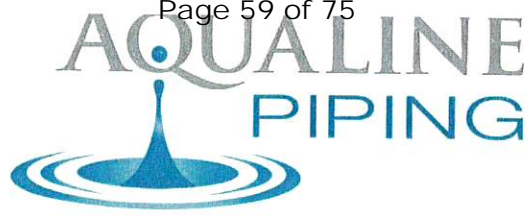
### **BUR Roof Evaluation and Synopsis**

The inspector observed the overall condition of the BUR (cap sheet/gravel) roofing system which includes: scuppers, coping cap, parapet walls, jacks, curbs etc.

**BUR** roofs have met the end of their useful lifespan and are in need of replacement. GRC recommends the installation of a new TPO single ply roof system.

830 University Ave.  
Berkeley, CA

# Section Three: Plumbing



Daniel May  
EA Davidovits

May 12, 2022

**RE: 830 University Ave, Berkeley- Plumbing Building Inspection Report**

**GENERAL OVERVIEW:** Arrived on site around 9:30 and started by doing my general plumbing inspection. I checked all fixtures, water and waste lines + valves and I didn't find any leaks apparent, but I did find two areas that had signs of leaks that may have sealed themselves over time: (1) hot angle stop in C2 and in the attic there are 3 booster pumps and the pump on the left, if facing the system, has signs at the outlet where there may be the same thing happened where it sealed itself. Also there was a 3rd place in the boiler room on the circulation pump 1-1/4 copper going in and out, leak signs at the flange at bottom of pump. Looks like it sealed itself as well, I found everything inside to be functioning properly at the boiler which is from 2010 and all the fixtures were draining properly and had good pressure on hot and cold lines. valves look to be in good condition as well as the pee traps.

**SEWER & VENT CONDITIONS:** I found 5 clean outs on the exterior of the property. And 2 closer to the street for city access. There are two in the front: one on the right and one on the left of the front entrance. The one on the right side of property is tied in with the addition on back of the building which wraps around to the front and goes through the building to the back, where it does a loop and runs into a clean out in the back left if facing the back door. And there is another to the right and the tie-in at a wye fitting that was actually backed up and holding water when I found it.

I ran the camera through the abs clean out on the right corner of the building downstream where I found two offsets: One downstream where city tie in is, and another at the service tee going up stream. **The line is back graded in some places and flat in others which cause build up.** I went out about 40 feet to the main and pulled back then found the off set up stream and couldn't clear it approximately one in gap.

**I went next to the back where I found the back up. It was holding so I didn't run the camera until after it was clear and the line seemed to be in good functional condition for about 10 feet until it tied in at the wye to pick up the 2 story addition in the back.** Then 45s down the back driveway before wrapping around the building picking up the service tee then it goes right again and picks up front clean out to the right. **Once I made it about 135 feet in, I found another major off set under the floor between the toilet and sink in first bathroom in front lobby area.** I located and continued to run camera until it wouldn't go anymore. I made it past 2-45s that align with the back left clean out. Approximately 145 feet then pulled back.

I noticed the section where the wye was, so I worked my camera back and forth to help push the buildup down the line once it came out of the connection underground. I ran my blow bag at left clean out and got the build up to go back into the pipe coming from the 2 story section, so I put my blow bag through the clean out on that side past the combo and was able to flush the line completely. The roof was too steep, and I wasn't able to do the vents. **I didn't find any signs of there being venting issues Either.**

**DOMESTIC WATER CONDITIONS:** I found all copper water lines except in the back 2 story section for C2 sink. **I found a 3/4 backflow in front for irrigation and another 2" backflow on left of property if facing the building which is for the domestic water. This is where I believe the water goes in to feed the building. Boiler is all copper from 2" lines down to 3/4 lines and all in good condition.**

**SEWER PIPING MATERIAL:** I found cast iron drains in some sections and what looks to be 4 inch gray sdr pipe in others on the exterior and under the floor where the drain loops and runs underneath. The clean out on the right corner property line is abs, this looks like it sunk over time and the section where off set is appears to be flat.

**WATER HEATER:** There is an electric 50 gallon water heater on the roof which also fed the 3-pump system which is hydronic and the air conditioning system.

Plumbing Inspection, 830 University.

Please use this link to access videos pertinent to the plumbing inspection performed

<https://www.dropbox.com/sh/ah7vmxvd8aziinh/AACxcVq9m4DkdpX6a1e5bhbka?dl=0>

830 University Ave.  
Berkeley, CA

# Section Four: Electric

EA Davidovits  
555 Price Ave Suite 200  
Redwood City Ca 94063

Attn: Dan May

Subject: 930 University Ave Berkeley Field Inspection Report

Dan,

The building has an existing 120/240volt single phase three wire 400amp switchgear. The switchgear has one PGE meter and three separate branch breakers. The breakers are feeding panels L-1 and L-2. The third breaker in the switchgear feeds the elevator. Panel L-1 and L-2 are fed with 2 pole 90-amp breakers and the elevator is serviced with a 2 pole 150-amp breaker. We removed the inspection covers from the switchgear and assessed the interior condition of the gear. It is in fair to good condition. No major issues were noted.

PANEL L-1 – Located in the electrical room directly to the right of the electrical switchgear. This panel is in fair to good condition. Upon inspection we did not find any major issue. Voltages were observed to be in the normal ranges.

PANEL L-2 – Located on the east side of the building in room E4. This panel is in fair to good condition. Upon inspection we did not find any major issue. Voltages were observed to be in the normal ranges.

Generator: The building has an existing 5kw natural gas generator. The generator, automatic transfer switch and panel are located outside on the south west portion of the building. The generator has 4 – 20amp 120 circuits that it backs up. The circuits are all labelled refrigerator. The clinic was operational during our site visit. We did not perform a start up test on the generator so its function is unknown.

#### Lighting:

The lighting system in the building has surface mount four-foot fluorescent wrap around style fixtures in the treatment rooms. These fixtures are all in good operating condition. They are controlled by standard toggle switches.

The lights in the hallways are either wall mount our ceiling mount four-foot fluorescent fixtures. Several are out throughout the space. However, these fixtures all appear to be in good physical condition and with a little maintenance could very likely provide years of good service.

**Exit Signs:** The building has operational exit signs and it appears they follow a proper egress path in the event of a fire. Other than one exit sign all of the exit signs all tested operation in the test mode.

**Attic/Crawl Spaces:** We looked at the attic areas and crawl spaces. No abnormal electrical conditions were observed. All junction boxes and wiring were closed up and the wiring was properly secured.

**Exterior Lighting:** The building has 5 – exterior wall packs on the rear of the building. They are controlled by a time clock in the electrical room. We tested the lights and all four were operational.

**Summary:**

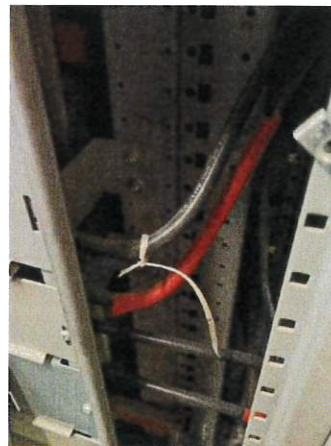
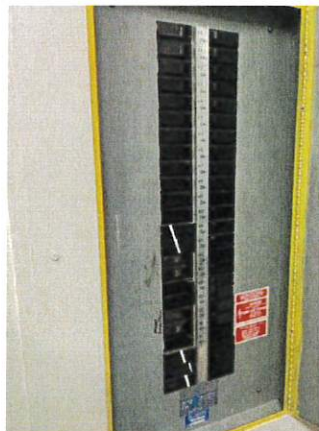
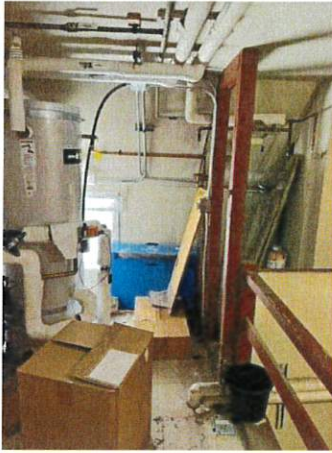
Over-all the building is in very good condition electrically. Although the building is old and the electrical system is older it is very functional and safe. This building should provide years more of great service with some light maintenance.

Electrical Photos – 830 University

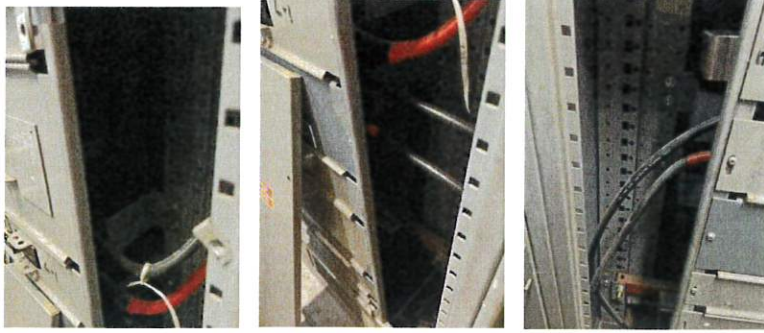




Electrical Photos – 830 University



Electrical Photos – 830 University

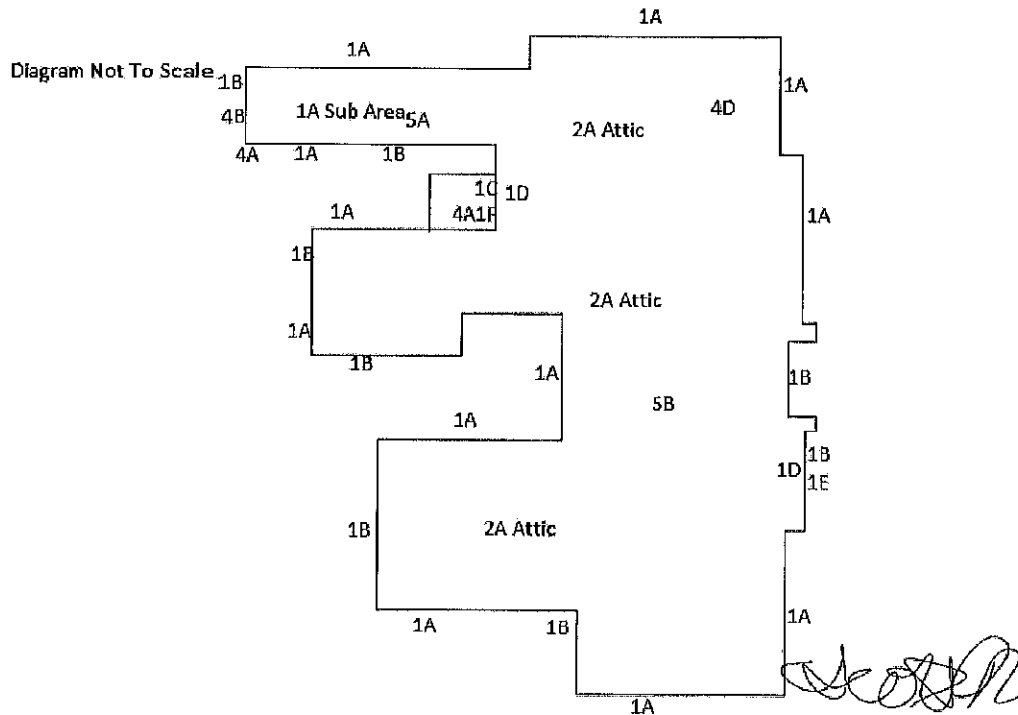


830 University Ave.  
Berkeley, CA

# Section Five: Termite

**WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT** Exhibit B2

|                                                                                                                                                                                                                                           |                          |                                                                                                                  |                                                                                         |                                                                                                                                                                 |                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Building No.<br>830                                                                                                                                                                                                                       | Street<br>University Ave | City<br>Berkeley                                                                                                 | Zip<br>94710-2044                                                                       | Date of Inspection<br>05/04/2022                                                                                                                                | Number of Pages<br>1 of 8                    |
| <b>Pacific Coast Termite Inc.</b><br><b>40487 Encyclopedia Circle</b><br><b>Fremont, CA 94538</b><br>Tel 510-252-0801 Fax 510-252-0826<br>Registration #: BR5139                                                                          |                          |                                                                                                                  |                                                                                         | A LICENSED PEST CONTROL OPERATOR IS AN EXPERT IN HIS/HER FIELD. QUESTIONS RELATIVE TO THIS REPORT SHOULD BE REFERRED TO HIM/HER.<br><br><b>Report #: 268517</b> |                                              |
| Ordered by:<br>E A<br>830 University Ave<br>Berkeley, CA 94710-2044<br>650-222-0675                                                                                                                                                       |                          | Property Owner and/or Party of Interest:<br>E A<br>830 University Ave<br>Berkeley, CA 94710-2044<br>650-222-0675 |                                                                                         | Report sent to:<br>E A<br>830 University Ave<br>Berkeley, CA 94710-2044<br>650-222-0675                                                                         |                                              |
| COMPLETE REPORT <input checked="" type="checkbox"/>                                                                                                                                                                                       |                          |                                                                                                                  | LIMITED REPORT <input type="checkbox"/>                                                 |                                                                                                                                                                 | SUPPLEMENTAL REPORT <input type="checkbox"/> |
| REINSPECTION REPORT <input type="checkbox"/>                                                                                                                                                                                              |                          |                                                                                                                  | General Description:<br>2 Story, Commercial health car Building, Occupied and Furnished |                                                                                                                                                                 |                                              |
|                                                                                                                                                                                                                                           |                          |                                                                                                                  | Inspection Tag Posted:<br>Attic                                                         |                                                                                                                                                                 |                                              |
|                                                                                                                                                                                                                                           |                          |                                                                                                                  | Other Tags Posted:<br>None                                                              |                                                                                                                                                                 |                                              |
| An inspection has been made of the structure(s) shown on the diagram in accordance with the Structural Pest Control Act. Detached porches, detached steps, detached decks and any other structures not on the diagram were not inspected. |                          |                                                                                                                  |                                                                                         |                                                                                                                                                                 |                                              |
| Subterranean Termites <input checked="" type="checkbox"/>                                                                                                                                                                                 |                          | Drywood Termites <input checked="" type="checkbox"/>                                                             |                                                                                         | Fungus/Dryrot <input type="checkbox"/>                                                                                                                          |                                              |
| Other Findings <input checked="" type="checkbox"/>                                                                                                                                                                                        |                          | Further Inspection <input checked="" type="checkbox"/>                                                           |                                                                                         |                                                                                                                                                                 |                                              |
| Key: 1 = Subterranean Termites    2 = Drywood Termites    3 = Fungus/Dryrot    4 = Other Findings    5 = Unknown Further inspection                                                                                                       |                          |                                                                                                                  |                                                                                         |                                                                                                                                                                 |                                              |



Inspected By: Scott Nelson State License No.: FR45955 Signature: \_\_\_\_\_

You are entitled to obtain copies of all reports and completion notices on this property reported to the Structural Pest Control Board during the preceding two years. To obtain copies contact: Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815

NOTE: Questions or problems concerning the above report should be directed to the manager of the company. Unresolved questions or problems with services performed may be directed to the Structural Pest Control Board at (916) 561-8708, (800) 737-8188 or [www.pestboard.ca.gov](http://www.pestboard.ca.gov). Page 284

**WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT** Exhibit B2

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**General Comments**

WHAT IS A WOOD DESTROYING PEST AND ORGANISM INSPECTION REPORT? READ THIS DOCUMENT. IT EXPLAINS THE SCOPE AND LIMITATIONS OF A STRUCTURAL PEST CONTROL INSPECTION AND A WOOD DESTROYING PEST AND ORGANISM INSPECTION REPORT.

A Wood Destroying Pest and Organism Inspection Report contains findings as to the presence or absence of evidence of wood destroying pests and organisms in visible and accessible areas and contains recommendations for correcting any infestations or infections found. The contents of Wood Destroying Pest & Organism. Inspection Reports are governed by the Structural Pest Control Act and regulations.

Some structures do not comply with building code requirements or may have structural, plumbing, electrical, mechanical, heating, air conditioning or other defects that do not pertain to wood destroying organisms. A Wood Destroying Pest & Organism Inspection Report does not contain information on such defect, if any, as they are not within the scope of the licenses of either this company, or it's employees.

The Structural Pest Control Act requires inspection of only those area which are visible and accessible at the time of inspection. Some areas of the structure are not accessible to inspection, such as the interior of hollow walls, spaces between floors, areas concealed by carpeting, appliances, furniture or cabinets. Infestations or infections may be active in these areas without visible and accessible evidence. If you desire information about areas that were not inspected, a further inspection may be performed at an additional cost. Carpets, furniture or appliances are not moved and windows are not opened during a routine inspection.

**INACCESSIBLE AREAS:** Certain areas are recognized by the industry as inaccessible and or for other reasons not inspected, as indicated in Section 1990, Paragraph (d) of the California Structural Pest Control Act. These include, but are not limited to: furnished interiors; inaccessible attics or portions thereof; the interior of hollow walls; spaces between a floor or porch deck and the ceiling or soffit below; stall showers over finished ceilings; such structural segments as Porte cocheres, enclosed bay windows, buttresses, and similar areas to which there is no access without defacing or tearing out lumber, masonry or finished work; built-in cabinet work; floors beneath coverings, areas where storage conditions or locks make inspection impracticable.

**NOTE: "THE EXTERIOR SURFACE OF THE ROOF WAS NOT INSPECTED. IF YOU WANT THE WATER TIGHTNESS OF THE ROOF DETERMINED, YOU SHOULD CONTACT A ROOFING CONTRACTOR WHO IS LICENSED BY THE CONTRACTOR'S STATE LICENSE BOARD".** This company does not certify or guarantee against any leakage, such as (but not limited to ) plumbing, appliances, walls, doors, windows, any type of seepage, roof or deck coverings. This company renders no guarantee, whatsoever, against any infection, infestation or any other adverse condition which may exist in such areas or may become visibly evident in such area after this date. Upon request, further inspection of these areas would be performed at an additional charge.

In the event damage or infestation described herein is later found to extend further than anticipated, our bid will not include such repairs. **OWNER SHOULD BE AWARE OF THIS CLOSED BID WHEN CONTRACTING WITH OTHERS OR UNDERTAKING THE WORK HIMSELF/HERSELF.**

Having termite treatment including preventative work done on your home is not a substitute for regular home maintenance.

This Wood Destroying Pest & Organisms Report **DOES NOT INCLUDE MOLD** or any mold like conditions. No reference will be made to mold or mold-like conditions. Mold is not a Wood Destroying Organism and is outside the scope of this report as defined by the Structural Pest Control Act. If you wish your property to be inspected for mold or mold like conditions, please contact the appropriate mold professional.

This company will reinspect repairs done by others within four months of the original inspection. A charge, if any, can be no greater than the original inspection fee for each reinspection. The reinspection must be done within ten (10) working days of request. The reinspection is a visual inspection and if inspection of concealed areas is desired, inspection of work in progress will be necessary. Any guarantees must be received from parties performing repairs.

Wall paper, stain, or interior painting are excluded from our contract. New wood exposed to the weather will be prime painted, only upon request at an additional expense.

All pesticides and fungicides must be applied by a state certified applicator (sec. 8555 Business and Professions Code Division 3) and in accordance with the manufacturer's label requirements.

**"NOTICE: REPORTS ON THIS STRUCTURE PREPARED BY VARIOUS REGISTERED COMPANIES SHOULD LIST THE SAME FINDINGS (I.E. TERMITE INFESTATIONS, TERMITE DAMAGE, FUNGUS DAMAGE, ETC.) HOWEVER, RECOMMENDATIONS TO CORRECT THESE FINDINGS MAY VARY FROM COMPANY TO COMPANY. YOU HAVE THE RIGHT TO SEEK A SECOND OPINION FROM ANOTHER COMPANY."**

Please note: drywood termite droppings may be observed for a period of up to 6 months following treatment. Should activity continue please call the offices of Pacific Coast Termite. Should you see any live activity (Swarms), please call to schedule a service call right away.

\_\_\_\_\_initials

**WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT** Exhibit B2

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**SUBTERRANEAN TERMITES****Description of Findings**

- Finding: 1A Treatment for the control of subterranean termites at the subarea and exterior perimeter soil areas.  
Recommendation: Treat the soil with Altriset at all probable entry points around the foundation of the structure. This may include rod injection to the soil, trenching around the foundation walls of the exterior, subarea and pier posts in the sub area. It may be necessary to drill through any attached slab foundation. While due caution is exercised, Pacific Coast Termite, Inc. is not responsible for damage to plumbing, electrical, or any other service lines beneath the slab. Scrape and/or remove all accessible subterranean termite shelter tubes.
- Finding: 1B Treatment for the control of subterranean termites at the exterior perimeter slab areas.  
Recommendation: Treat the soil with Altriset at all probable entry points around the foundation of the structure. This may include rod injection to the soil, trenching around the foundation walls of the exterior, subarea and pier posts in the sub area. It may be necessary to drill through any attached slab foundation. While due caution is exercised, Pacific Coast Termite, Inc. is not responsible for damage to plumbing, electrical, or any other service lines beneath the slab. Scrape and/or remove all accessible subterranean termite shelter tubes.
- Finding: 1C Evidence of subterranean termites noted at basement threshold and framing.  
Recommendation: Scrape and/or remove all accessible subterranean termite shelter tubes.
- Finding: 1D Evidence of subterranean termites noted at basement wall framing and bottom plate.  
Recommendation: The following areas will be treated for the control of subterranean termites in the prescribed manner with a foam solution (Termidor SC, Alpine Foam or Altriset). It will be injected in areas where active subterranean termite infestation was noted. Scrape and/or remove all accessible subterranean termite shelter tubes.

**DRYWOOD TERMITES**

- Finding: 2A Preventative treatment for the control of drywood termites at the accessible attic wood framing members.  
Recommendation: A foam solution of Bora-Care will be applied on all accessible exposed wood framing for the control of drywood termite infestation.

**OTHER FINDINGS**

- Finding: 4A The gutter downspout diverter(s) were noted to be missing and/or broken.  
Recommendation: The repair noted above is outside the scope of our operations. The owner should employ the services of a licensed tradesperson to inspect and/or repair this damage.
- Finding: 4B The stucco was noted to be below grade.  
Recommendation: This is a normal construction style for a home this age. There is no practical or economical method to make this area accessible or to eliminate the below grade, stucco below grade or brick veneer below grade condition. No further recommendations are made. Periodic inspections are advised.
- Finding: 4C Cracked stucco was noted throughout the exterior of the structure.  
Recommendation: The repair noted above is outside the scope of our operations. The owner should employ the services of a licensed tradesperson to inspect and/or repair this damage.

**WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT** Exhibit B2

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Finding: 4D Damaged sheet rock was noted to the interior of the structure.  
 Recommendation: The repair noted above is outside the scope of our operations. The owner should employ the services of a licensed tradesperson to inspect and/or repair this damage.

**FURTHER INSPECTIONS**

Finding: 5A The subarea was not inspected due to low clearance and no practical access.  
 Recommendation: There is no practical economical method to make this area accessible for inspection. No opinions are rendered at this time. Periodic inspections are advised.

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**WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT** <sup>Exhibit B2</sup>

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**Disclaimer**

Limited Warranty, Disclaimer and Limitation of Claims. Company guarantees that the work will be performed in a good workmanlike manner within generally accepted pest control practices. The warranty covers all work performed by Company in accordance with the recommendations noted in the Inspection Report, and if termite infestation is found in any of those areas in which work was performed within two (2) years of the completion of Company's work, further treatments will be performed at no additional charge to remediate such infestation in accordance with any recommendations made in a subsequent inspection report identifying such infestation. The warranty covers all structural repair work performed against defects in workmanship and materials for a period of one (1) year from the date of its completion, and is limited to the performing the repairs necessary to correct any such defects in workmanship. This warranty does not cover damage or defects that are the result of characteristics common to the materials used, or conditions resulting from consideration, expansion, or contraction of such materials. Further, Company makes no warranties or representations concerning any pesticides or other materials installed by Company. Warranty work will be completed within sixty (60) days from the date of receipt of written request from Owner. Company's sole obligation shall be to repair, or replace, such work, or portion thereof, that has been promptly reported as defective by Owner within the warranty period and which has been determined by Company to have been defective. "Local treatment is not intended to be an entire structure treatment method. If infestations of wood destroying pests extend or exist beyond the area(s) of local treatment, they may not be exterminated."

This report is not to be used for escrow purposes, unless specified and separated.

If you decide to sell your home while it is under warranty and the buyer demands that your home be fumigated, Pacific Coast Termite is not responsible for the cost of fumigation or any expenses incurred during the process.

THE ABOVE LIMITED WARRANTY IS THE ONLY WARRANTY MADE BY COMPANY. COMPANY DISCLAIMS ALL OTHER EXPRESS AND IMPLIED WARRANTY, INCLUDING ALL WARRANTIES OF MERCHANT ABILITY AND FITNESS FOR A PARTICULAR PURPOSE. COMPANY SHALL HAVE NO LIABILITY FOR ANY INDIRECT, CONSEQUENTIAL, OR SPECIAL DAMAGES TO OWNER WITH RESPECT TO COMPANY'S OBLIGATIONS HEREUNDER, INCLUDING, BUT NOT LIMITED TO, LOSS OF USE, LOSS OF PRODUCTION, LOSS OF PROFITS, LOSS OF BUSINESS OPPORTUNITES, EMOTIONAL DISTRESS, AGGRAVATION, OR ANY OTHER SIMILAR DAMAGES EVEN IF COMPANY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

Force Majeur-Delay-Extension of Time. Company shall not be liable for any delay or nonperformance caused by an act of God, acts of the Owner, the Owner's architect, engineer, contractor, or the building department, stormy weather, strikes or other labor troubles not the fault of Company, extra work ordered by the Owner, Owner's architect, engineer, contractor, or the building department, unavailability of materials, failure of the Owner to make progress payments when due that substantially interferes with the Company's ability to continue performance of the work, or any other contingency beyond the Company's reasonable control.

**NOTICE TO OWNER:**

Under the California Mechanics Lien Law any structural pest control company which contracts to do work for you, any contractor, subcontractor, laborer, supplier or other person who helps to improve your property, but is not paid for his or her work or supplies, has a right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your structural pest control company in full if the subcontractor, laborers or suppliers remain unpaid. To preserve their right to file a claim or lien against your property, certain claimants such as subcontractors or material suppliers are required to provide you with a document entitled "Preliminary Notice." Prime contractors and laborers for wages do not have to provide this notice. A Preliminary Notice is not a lien against your property. Its purpose is to notify you of persons who may have a right to file a lien against your property if they are not paid.

**\*\*\*NOTICE TO OCCUPANT\*\*\***

In accordance with the laws and regulations of the State of California, we are required to provide you the following information prior to application of pesticides to your property.

State law requires that you be given the following information: CAUTION, PESTICIDES ARE TOXIC CHEMICALS.

Structural Pest Control companies are licensed and regulated by the Structural Pest Control Board, and apply pesticides



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which are registered and approved for use by the California Dept. of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the State finds that, based on existing scientific evidence there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized. If within 24 hours following application, you experience symptoms similar to common illness comparable to the flu, contact your physician or poison control center (800)876-4766 and your pest control company immediately. Effects of over exposure to these materials can include tremors, lethargy, CNS stimulation and tonic and colonic convulsions.

For further information contact any of the following:

Pacific Coast Termite, Inc. (800) 669-1900

Poison Control Center (800) 876-4766

For Health Questions: County/ City Health Departments

Alameda (510) 267-3250 Amador (209) 223-6407 Berkley City (510) 981-5300  
 Calaveras (209) 754-6460 Contra Costa (925) 313-6767 El Dorado (530) 621-6100  
 Fresno (559) 445-3550 Kern (661) 321-3000 Kings (559) 584-1401  
 Lake (707) 994-9433 Long Beach (562) 570-7468 Los Angeles (213) 351-7800  
 Marin (415) 473-6007 Mariposa (209) 966-3689 Mendocino (707) 472-2600  
 Merced (209) 381-1023 Monterey (831) 755-4683 Napa (707) 253-4270  
 Orange (800) 564-8448 Pasadena (626) 744-6012 Placer (530) 889-7141  
 Riverside (951) 358-5107 Sacramento (916) 875-7468 San Benito (831) 637-5367  
 San Bernardino (909) 387-6521 San Diego (866) 358-2966 San Francisco (415) 554-2830  
 San Joaquin (209) 468-3481 San Luis Obispo (805) 781-5500 San Mateo (650) 573-2877  
 Santa Barbara (805) 346-8420 Santa Clara (408) 792-5040 Santa Cruz (831) 454-4343  
 Solano (707) 553-5402 Sonoma (707) 565-4567 Stanislaus (209) 558-8872  
 Tulare (800) 834-7121 Tuolumne (209) 533-7401 Ventura (805) 981-5211  
 Yolo (530) 666-8645

For Application Information: County Agricultural commissioners offices:

Alameda (510) 670-5232 Amador (209) 223-6487 Calaveras (209) 754-6504  
 Contra Costa (925) 646-5250 El Dorado (530) 621-5520 Fresno (559) 600-7510  
 Kern (661)868-6300 Kings (559) 582-3211 Los Angeles (626) 575-5471  
 Lake (707) 263-0217 Marin (415) 473-6700 Mariposa (209) 966-2075  
 Mendocino (707) 463-4208 Merced (209) 385-7431 Monterey (831) 759-7325  
 Napa (707) 253-4357 Orange (714) 955-0100 Placer (530) 889-7372  
 Riverside (951) 995-3000 Sacramento (916) 875-6603 San Benito (831) 637-5344  
 San Bernardino (909) 387-2115 San Diego (858) 694-2741 San Francisco (415) 252-3830  
 San Joaquin (209) 953-6000 San Luis Obispo (805) 781-5910 San Mateo (650) 363-4700  
 Santa Barbara (805) 681-5600 Santa Clara (408) 918-4600 Santa Cruz (831) 763-8080  
 Solano (707) 784-1310 Sonoma (707) 565-2371 Stanislaus (209) 525-4730  
 Tulare (559) 684-3350 Tuolumne (209) 533-5691 Ventura (805) 477-1620  
 Yolo (530) 666-8140

For regulatory information: Structural Pest Control Board (916) 561-8704  
 2005 Evergreen Street, Suite 1500, Sacramento, Ca 95815

TERMITE AND FUNGUS CONTROL CHEMICALS

XT-2000 Orange Oil Plus (EPA Reg No. 71986-2)

**WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT** <sup>Exhibit B2</sup>

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Active Ingredients: d-Limonene.....95%

Bora-Care (EPA Reg No. 64405-1)

Active Ingredients: Disodium Octaborate  
Tetrahydrate.....98%

Premise 75 WP (EPA Reg No. 432-1332)

Active Ingredients: Imidacloprid,  
1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine.....75%

Premise Foam (EPA Reg No. 432-1391)

Active Ingredients: Imidacloprid; 1-[(6-chloro-3-pyridinyl)methyl]-N  
nitro-2-imidazolidinimine.....0.05%

Altriset (EPA Reg No. 352-829)

Active ingredients:Chlorantraniliprole,  
3-Bromo-N-[4-chloro-2-methyl-6-[(methylamino)carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)  
-1H-pyrazole-5-carboxamide.....18.4%

Termidor SC (EPA Reg No. 7969-210)

Active Ingredients: fipronil; 5-amino-1-(2,6dichloro-4-(trifluoromethyl)  
phenyl)-4-((1,R,S-trifluoromethyl)sulfinyl)-1-H-pyrazole-3-carbonitrile.....9.1%

Termidor HE (EPA Reg No. 7969-329)

Active Ingredients: fipronil; 5-amino-1-(2,6dichloro-4-(trifluoromethyl)  
phenyl)-4-((1,R,S-trifluoromethyl)sulfinyl)-1-H-pyrazole-3-carbonitrile.....8.73%

Alpine Termite Foam (EPA reg. no. 499-526)

Active Ingredient: Dinotefuran,  
N-methyl-N'-nitro-N'[(tetrahydro-3-furanyl)methyl]guanidine.....0.025%

Tim-Bor Professional (EPA Reg. No. 64405-8)

Active Ingredients: Disodium Octaborate  
Tetrahydrate.....98%

Advanced 375A (EPA Reg. No. 499-370)

Active Ingredients: Abamectin\*B1.....0.011%

THANK YOU FOR CHOOSING PACIFIC COAST TERMITE, INC., to perform a structural pest control inspection on your property. Our inspection has determined that your property will benefit from the safe application of a chemical commonly used for structural pest control.

By signing below I authorize the following recommendations to be performed as stated in this report and for the price as set forth in the above report.

\_\_\_\_\_  
Authorized Signature/Date

\_\_\_\_\_  
Pacific Coast Termite, Inc. Rep/Date

WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT Exhibit B2

| Building No. | Street         | City     | Zip        | Date of Inspection | Number of Pages |
|--------------|----------------|----------|------------|--------------------|-----------------|
| 830          | University Ave | Berkeley | 94710-2044 | 05/04/2022         | 8 of 8          |





Office of the City Manager

CONSENT CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jennifer Louis, Chief of Police  
 Subject: Contract No. 32300062 Amendment: Moreland Investigations for Applicant  
 Background Investigations

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300062 with Moreland Investigations, to extend the existing capacity to perform background investigation services and amend the current contract from \$50,000 to \$200,000 from November 3, 2022, through November 2, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the contract amendment with Moreland Investigations is currently included in the FY 2024 Police Department General Fund budget.

CURRENT SITUATION AND ITS EFFECTS

As part of the Employer of Choice Initiative, the police department has an ongoing commitment to create efficiencies in their hiring processes. The background investigation step is one identified component of the process where the capacity of current investigatory resources has created a bottleneck. In what is the most challenging and competitive labor market that current staff have ever experienced, maintaining the capacity of investigators is an essential step in moving applicants through the process efficiently from application to job offer.

The police department is in a continuous recruitment cycle and needs continuing investigative support, which Moreland Investigations already provides. Thus, a request was made to waive the competitive procurement process, which was approved by the General Services Manager and the City Manager.

BACKGROUND

The number of internal police officers available for this assignment has been drastically reduced over the past three years due to staffing challenges related to recruitment and retention. The police department has relied on more vendors to provide this service. At the same time, recent successes from the newly formed Recruitment and Retention Team have placed more applicants in the process. The time from application to job offer

has been delayed by the availability of investigators – which can result in the applicant accepting employment elsewhere.

Moreland Investigations is currently providing background investigations to the police department. They were selected based on their qualifications, expertise, and reliable background investigations, ensuring the integrity and security of the City's hiring processes. We have been pleased with the turnaround time of the investigations, and we would like to seamlessly continue utilizing their services before the remaining funds run out.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There were no identified environmental impacts.

#### RATIONALE FOR RECOMMENDATION

Background investigations are a legally required component of the recruitment and selection process for many classifications of public safety personnel. Conducting comprehensive and thorough background checks is crucial to maintaining the safety and integrity of our organization and our interactions in the community.

#### ALTERNATIVE ACTIONS CONSIDERED

Not extending the current contract and, therefore, reducing the current level of background investigator capacity would negatively impact hiring and employee morale.

#### CONTACT PERSON

Jennifer Louis, Police Chief, (510) 981-5700

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S

CONTRACT NO. 32300062 AMENDMENT: MORELAND INVESTIGATIONS FOR  
APPLICANT BACKGROUND INVESTIGATIONS

WHEREAS, background investigations are an essential component of the recruitment and selection process for many classifications of public safety personnel and

WHEREAS, conducting comprehensive and thorough background checks is crucial to maintaining the safety and integrity of our organization and our interactions in the community, and

WHEREAS, as part of the Employer of Choice Initiative, the police department has an ongoing commitment to create efficiencies in their hiring processes and

WHEREAS, the background investigation step is one identified component of the hiring process where the capacity of current investigatory resources has created a bottleneck, and

WHEREAS, in what is the most challenging and competitive labor market that current staff have ever experienced, maintaining the availability of contracted investigators is an essential step in moving applicants through the process efficiently from application to job offer and

WHEREAS, thus a request was made to waive the competitive procurement process, which was approved by the General Services Manager and the City Manager.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32300062 with MORELAND INVESTIGATIONS to extend the existing capacity to perform background investigation services from \$50,000 to an amount not to exceed \$200,000 from November 3, 2022, through November 2, 2027.







Office of the City Manager

CONSENT CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jennifer Louis, Chief of Police  
 Subject: Contract No. 32200152 Amendment: Cindy K. Hull & Associates Forensic Consulting Services, LLC

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32200152 and any necessary future amendments with Cindy K. Hull & Associates Forensic Consulting Services, LLC for the Police Department, increasing the contract amount by \$150,000 for a total not to exceed the amount of \$200,000 with the contract end date of October 1, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Approval of the recommendation would support an ongoing operational expense required for solving criminal cases in a timely manner. The funding for this contract is allocated from the State Proposition 172 Fund (budget code 126-71-702-805-0000-000-421-612990).

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Police Department currently contracts with Cindy K. Hull & Associates Forensic Consulting Services, LLC for latent examination services. It can be difficult to estimate the dollar amount required annually as it can change significantly from year to year depending on the cases submitted for examination. The Department will exceed the current \$50,000 contract limits set when this contract was amended in 2022. This increase will allow the Department to continue to examine latent fingerprints for criminal investigations. This enables the potential identification of a suspect based on fingerprints recovered at a crime scene and may result in the suspect being arrested and charged faster.

Due to the unpredictable nature of the contract usage, the department has expended nearly \$24,000 since the 2022 amendment and has only \$6,000 remaining of the \$50,000 contract. In order to continue processing fingerprint evidence to substantiate charges against suspects, the department is requesting this contract amendment.

## BACKGROUND

In 2021, the Department entered into a services contract with CK Hull & Associates to obtain latent fingerprint examination services. CK Hull & Associates was added when the California Department of Justice, Automated Latent Print Section was unable to keep up with the caseload from the Berkeley Police Department. CK Hull & Associates (Cindy K. Hull) is a certified latent print examiner with the International Association for Identification, the Coordinator of the Northern California Forensic Study group, an active member of the California Association of Criminalists, currently serves on the American Academy of Forensic Science Services Standard Board (ASB)- Friction Ridge Consensus Board Member, served as an elective member of the executive board of the California State Division of the International Association for Identification for more than nine years, and President from 2014-2015. CK Hull & Associates is located in Martinez, CA and provides forensic consulting, latent examination, comparison, and expert courtroom testimony.

Prior to our partnership with CK Hull & Associates, the Department utilized the California Department of Justice Automated Latent Print Section DOJ/ALPS for latent fingerprint casework. The Department of Justice is responsible for numerous police agencies throughout the state. They currently carry a backlog of 1-2 years, with Berkeley Police Department latent casework still pending from the year 2021.

CK Hull & Associates provides latent fingerprint examination, comparison, and expert courtroom testimony services for the Berkeley Police Department. Latent fingerprint analysis is a critical step in the development of potential responsible parties and the identification/exclusion of these individuals associated with criminal cases. It is vital that the Berkeley Police Department have latent fingerprints recovered from crime scenes analyzed in an expeditious manner. The standard turnaround time for CK Hull & Associates is 5-14 days with expedited services available on request.

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

CK Hull & Associates provides digital submission forms reducing the amount of paper required to forward and process requests. The Department of Justice Automated Latent Print Section is located in Sacramento, CA. The close proximity of Martinez, CA reduces vehicles on the road and greenhouse gas emissions.

RATIONALE FOR RECOMMENDATION

The cost associated with latent fingerprint examination is an operational expense for which the Berkeley Police Department is currently responsible. This service provides pertinent information to suspect identification that is invaluable to the safety of all members of the Berkeley community. An amendment to increase funds for this contract will allow the Department to continue to meet the latent fingerprint examination requirements of its investigations.

CONTACT PERSON

Jennifer Louis, Chief of Police, 981-5700

Attachment:

1. Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32200152 AMENDMENT: CK HULL & ASSOCAITES FORENSIC  
CONSULTING SERVICES, LLC

WHEREAS, the Berkeley Police Department is responsible for the investigation of criminal cases in the City of Berkeley; and

WHEREAS, the closure of criminal investigations will bring relief to the families of the victims and reduce fear in the community; and

WHEREAS, the use of latent fingerprint examination is essential to solving crimes; and

WHEREAS, the Berkeley Police Department primarily enlists the services of Cindy K. Hull & Associates for the timely examination of latent fingerprints; and

WHEREAS, it is essential to have a Latent Print Examiner certified with the International Association for Identification in order to ensure the consistent examination and evaluation of latent fingerprint evidence; and

WHEREAS, the Berkeley Police Department has identified latent fingerprint examination services as an operational expense for which the Department is responsible, funds from the State Proposition 172 Fund will be the primary source of funding; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that, the City Manager is authorized to execute the contract and any amendments with Cindy K. Hull & Associates Forensic Consulting Services, LLC to provide latent fingerprint examination and evaluation services for an additional \$150,000 for an amount not to exceed \$200,000, subject to the City's annual budget appropriation process.



Office of the Mayor

CONSENT CALENDAR  
November 28, 2023

To: Honorable Members of the City Council  
From: Mayor Jesse Arreguín  
Subject: Appoint Tracy Matthews to the Berkeley Housing Authority Board

RECOMMENDATION

Adopt a Resolution appointing Tracy Matthews to serve as a Tenant Commissioner on the Berkeley Housing Authority Board of Commissioners for a two-year term.

BACKGROUND

On May 22, 2007, the Berkeley City Council established a Berkeley Housing Authority (BHA) Board of Commissioners. State law mandates BHA commissioners, including successors be appointed by the Mayor and confirmed by the City Council.

There is currently one vacancy on the seven-member Berkeley Housing Authority Board. Pursuant to California’s Health and Safety Code Section 34272, the Mayor nominates Tracy Matthews to fill the vacancy for a four-year term on the BHA Board.

Ms. Matthews describes herself as a Human Services Professional having made a career in this field, including program management and conflict resolution. She has spent nearly the past fifteen years working for the Alameda County Social Services Agency. Under her current position, she manages clients through programs to assist in transitioning people from public assistance to self-sufficiency. In this role, she has made many connections with organizations and departments involved in issues and policy that overlap with the work done at the BHA. Additionally, she has previous experience working for the City of Berkeley in several departments, including Health and Human Services and the Berkeley Housing Authority. She is also a Section 8 program tenant. Her experience and understanding of issues prevalent to the BHA makes her an ideal candidate to serve on the BHA Board.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Appointment of Ayanna Davis to the BHA Board

CONSENT CALENDAR  
November 28, 2023

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Resolution

2: Resume of Tracy Matthews

RESOLUTION NO. ##,###-N.S.

APPOINTING TRACY MATTHEWS AS A COMMISSIONER ON THE BERKELEY  
HOUSING AUTHORITY BOARD OF COMISSIONERS

WHEREAS, the Council of the City of Berkeley, as the governing body of the City of Berkeley, declared itself to the Commissioners of the Berkeley Housing Authority (BHA) and appointed two tenant Commissioners pursuant to Health and Safety Code Section 34290; and

WHEREAS, on May 22, 2007 the Mayor appointed and the City Council by a majority vote confirmed the appointment of 5 Commissioners and 2 tenant Commissioners to the BHA Board pursuant to Health and Safety Code Section 34270; and

WHEREAS, there is currently one vacant Commissioner seat that needs to be filled; and

WHEREAS, the Mayor has nominated Tracy Matthews, a Berkeley resident who describes herself as a Human Services Professional, with extensive experience in program management and conflict resolution; and

WHEREAS, Matthews has spent nearly the past fifteen years working for the Alameda County Social Services Agency where she manages clients through programs to assist in transitioning people from public assistance to self-sufficiency; and

WHEREAS, Matthews has made many connections with organizations and departments involved in issues and policy that overlap with the work done at the BHA, and has previous experience working for the City of Berkeley in several departments, including Health and Human Services and the Berkeley Housing Authority; and

WHEREAS, Matthews is also a Section 8 tenant and brings the perspective of tenants to the Board; and

WHEREAS, Matthews' experience and understanding of issues prevalent to the BHA makes her an ideal candidate to serve on the BHA Board.

NOW THEREFORE, BE IT RESOLVED by the Mayor of the City of Berkeley Tracy Matthews is appointed to serve as a Tenant Commissioner on the Berkeley Housing Authority Board; and

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that it supports the Mayor's determination regarding the qualifications of Tracy Matthews and hereby confirms the Mayor's appointment; and

[Title of Report]

CONSENT CALENDAR  
November 28, 2023

BE IT FURTHER AND FINALLY RESOLVED by the Mayor of the City of Berkeley that, pursuant to Health and Safety Code Section 34272(a), Tracy Matthews is appointed to serve as a Tenant Commissioner for a two-year term.



# TRACY MATTHEWS

(510) 575-5804 | MIZMATT@GMAIL.COM

## CAREER PROFILE:

Organized and people oriented **Human Services Professional** proficient in instituting and sustaining organization processes and systems. Proven leadership skills in effectively coaching program participants to encourage motivation and establish a positive and cooperative work environment. Competent, assertive, and resourceful, with the ability to develop and implement culturally competent protocols in diverse, cross-cultural environments. Driven by challenges and committed to providing exceptional customer service.

## CORE COMPETENCIES:

- ✓ Policy development and implementation; proficient with Alameda County SSA policies and procedures.
- ✓ Knowledgeable of training methods and techniques; initiate performance evaluations.
- ✓ Compliance & reporting; well versed in program and process auditing.
- ✓ Familiar with the needs of the economically and educationally disadvantaged and unemployed.
- ✓ Vast knowledge of community resources, counseling techniques, employment programs and resources.
- ✓ Remedial, vocational, educational and training resources.
- ✓ Computer systems and applications.
- ✓ Outstanding interpersonal skills; an excellent ability to establish positive rapport with team members, managers and colleagues.

## SUMMARY OF QUALIFICATIONS

### QUALIFICATIONS:

- Strong Leadership skills
- Program Management
- Conflict Resolution/Mediation
- Strong decision making skills
- Excellent Written/Verbal Communication
- Stellar customer service

### TECHNICAL SKILLS:

- Proficient use of **CalWin**
- Microsoft Word, Outlook & Excel
- Multi-Line Phones
- Data Entry
- Advanced knowledge of **Personal Identifiable Information (PII)**
- Flexible; able to handle multiple tasks simultaneously

## RELATED PROFESSIONAL EXPERIENCE:

### Employment Counselor

2014 to present

Alameda County Department of Social Services (SSA), Oakland, CA

**Manage and counsel SSA participants through a systematic program designed to assist them transition from public assistance to self-sufficiency.**

- Interview clients to obtain factual information on ability to participate, supportive service needs, education, work, training and social histories, and eligibility factors. From this information,
- Facilitate appraisals and assessments to identify client needs, determine available resources, evaluate test results and provide services or make appropriate referrals for specialized assistance.
- Manage and track client eligibility and employment activities using casework methods and on-line computer based systems.
- Meet regularly with clients to provide goal-directed counseling, casework and continuous motivation.
- Identify noncompliance, make cause determinations, negotiate conciliations and determine eligibility in a timely manner if client fails to meet program requirements.
- Maintain chronological case dictation to support case activity.
- Develop and maintain a good working relationship with service providers, other professionals and agencies to advocate for clients. Mediate between clients and service providers to resolve complaints and problems.

**Eligibility Technician II**

2011 to 2014

Alameda County Department of Social Services (SSA), Hayward, CA

**Primary responsibilities included processing complex and routine applications for public assistance and maintain a continuous program of eligibility review.**

- Interviewed applicants for public assistance and provide detailed explanations relevant to the conditions for continued public assistance; completed application forms and witnesses signatures.
- Calculated initial budget and makes recommendations on the grant approval.
- Initiated case records showing basis for public assistance eligibility; maintained a continuous program of eligibility review; and prepare correspondence as required.
- Determined eligibility for authorization for Medi-Cal and Food Stamps; maintained case records; and maintained a continuous program of eligibility review for Medi-Cal and Food Stamps.

**Eligibility Tech I**

Alameda County Social Service Agency, Benefits Division, Hayward CA

2009 to 2010

**Interview applicants for public assistance aid programs by phone or in person; explaining conditions for initial and continued receipt of public assistance.**

- Completing or assisting with completion of application forms and witnessing signatures; taking sworn statements from applicants and recipients regarding the accuracy of their application for public assistance.
- Explaining program's objectives and limitations and the applicant's rights and responsibilities.
- Computing initial budgets to determine program eligibility.
- Verifying eligibility factors and providing justification or findings made from investigations.
- Initiating and maintaining electronic case records.

~ ADDITIONAL EXPERIENCE ~

**Customer Service Rep**

Tagged Inc., San Francisco CA

April 2010 – September 2010

**Instructional Aide**

Alameda County Office of Education

Camp Wilmont Sweeny and Buena Vista Education Center, San Leandro CA

February, 2004-2007

**Office Specialist II**

City of Berkeley

Public Works, Health and Human Services, Housing Energy Division, Berkeley Housing Authority

**General Accounting Clerk Payroll/ Administrative Assistant**

Diversified personnel Services

**Literacy Tutor**

AmeriCorps Office, Lockwood Elementary School, Oakland, CA

**EOPS Peer Advisor**

Laney College, Oakland CA

**Supervisor**

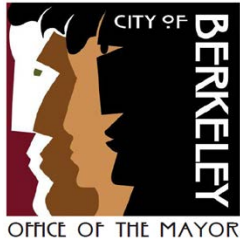
Air Operations, United Parcel Service, Oakland Airport, CA

**Education & Training:****California State University, Hayward CA**

- B. A. Sociology ~ 2008
- B. A. Psychology ~ 2006

**Laney College, Oakland CA**

- A.A., Social Science ~ 2003  
(Emphases in Psychology & General Education)



CONSENT CALENDAR

November 28, 2023

TO: Honorable Members of the City Council

FROM: Mayor Jesse Arreguín, Councilmember Kate Harrison

SUBJECT: Civic Arts Referral for Memorial Wall to Councilmember Dona Spring and Budget Referral for Civic Arts Staffing

**RECOMMENDATION**

Refer to the Fiscal Year 2024/2025 Budget Process \$162,000 from the General Fund and allocate one additional FTE for staffing for Civics Arts and refer to the Civic Arts Commission to commission a Memorial Wall to Dona Spring at the Animal Shelter.

**BACKGROUND**

In November 2008, the Berkeley City Council adopted a resolution renaming the City's new animal shelter after Councilmember Dona Spring, who passed away in July 2008. While the Berkeley Animal Shelter opened in 2013, the effort to install a permanent memorial to Councilmember Dona Spring has stalled for the past decade. This budget referral seeks to reinvigorate this initiative and fund the process of installing a memorial art wall.

From the November 18, 2008, Council report "Naming the New Animal Shelter in honor of Councilmember Dona Spring"<sup>1</sup>:

*Councilmember Dona Spring was instrumental in highlighting animal welfare problems in Berkeley and was central in solving them. She urged the council to make animal research organizations operating in Berkeley accountable for the humane treatment of animals. She was one of the people in Berkeley that demanded a new concept of an animal shelter to be led by an experienced civilian*

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<sup>1</sup> [Naming the New Animal Shelter in honor of Councilmember Dona Spring](#) (Berkeley City Council, November 18, 2008) [PDF]

*in animal welfare. She championed the council decision to create the new position of volunteer coordinator in the shelter that oversees the loads of volunteers who come to the animal shelter to socialize pets and make them much more adoptable. She fought for new Berkeley laws affecting animal welfare, such as the spay and neuter of animals and providing money for animal rescue groups, that reduced the number of homeless animals in Berkeley. She demanded that Berkeley's adoptable animals not be euthanized, which led to a change in the way homeless animals are treated.*

Civic Arts staff currently have 20 active public arts projects and a backlog of 14 public art projects (see Civic Arts Commission FY24 Work Plan<sup>2</sup>). At current staffing levels, the Civic Arts Program has the capacity to implement 10-15 art projects per year. While additional projects are approved every year, the Civic Arts Program operates with a perpetual backlog. This budget referral seeks to fund an additional 1 FTE to Civic Arts staff to help address the current backlog and implement this referral to the Civic Arts Commission.

### **FINANCIAL IMPLICATIONS**

\$162,000 from the General Fund for one additional FTE Civic Arts staff.

Funding for the Memorial Wall, if approved, to be included in a future annual Civic Arts plan.

### **CONTACT**

Mayor Jesse Arreguín 510-981-7100

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<sup>2</sup> [Civic Arts Commission FY 24 Work Plan](#), approved July 19, 2023 (pgs. 32-33) [PDF]



Office of the Mayor

CONSENT CALENDAR  
November 28, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin

Subject: Accept grant funding of \$75,000 from San Francisco Foundation and amend Contract No. 32200161 with Creative Development Partners to extend consulting work associated with Equitable Black Berkeley Initiative.

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to receive \$75,000 of grant funds from the San Francisco Foundation (SFF) (see Attachment #2) for project support for the Equitable Black Berkeley (EBB) initiative and execute an amendment to Contract No. 32200161 with Creative Development Partners (CDP) to add \$75,000 to the existing ideation facilitator contract supporting the EBB for a total contact amount not to exceed \$200,000 and extending the contract term to September 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

The grant funds will be deposited and expensed from the One-Time Grant: No Capital Expenses Fund and will be appropriated in the First Amendment to the FY 2023/2024 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

On November 30, 2021, the City Council approved a \$50,000 grant from the San Francisco Foundation (SFF) grant to support a six-month process to ideate increasing affordable housing at the North Berkeley and Ashby BART stations. On November 29, 2022 City Council accepted a grant of \$75,000 from SFF and on January 17<sup>th</sup>, 2023, the City Council approved extending the contract to CDP. SFF increased the grant funding by an additional \$75,000 on November 1, 2023 to continue the work of the part time consultant in creating a plan, in collaboration with the community and multiple partners, to secure the funding needed to meet the project goals of maximizing affordable housing at and around the Ashby and North Berkeley BART sites within a reparative framework. In addition, the consultant will assist the City in outreach with Berkeley Flea Market vendors and community members, regarding resources to support the Berkeley Flea Market currently and plans for its relocation at a new Adeline Plaza as part of the new transit oriented development at Ashby Station.

BACKGROUND

Equitable Black Berkeley is an innovative, replicable model to support equity, opportunity and the well-being of Berkeley's Black community. It will underpin policies to repair harm, create financing vehicles to sustain community investment and ensure Black families

Accept Grant Funding from San Francisco Foundation and  
Amend contract with Creative Development Partners to  
Continue consulting services for Equitable Black Berkeley Initiative

CONSENT CALENDAR  
November 28, 2024

have a right to stay, right to return, and right to own/build equity. EBB will help alleviate the housing crisis and create the conditions for the South Berkeley community to thrive.

The San Francisco Foundation grant will continue to provide support to the City in developing additional strategies for increasing financial support for greater affordability levels for the BART projects and engaging the black community in developing a reparative framework that will address economic harms and provide the support infrastructure to provide repair.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Would support Climate Action goals by providing more affordable housing along transit corridors.

#### RATIONALE FOR RECOMMENDATION

Increasing affordability levels for new housing developments and addressing inequities for communities of color are expressed City values and council direction. This contract extension supports the efforts to increase affordability in previously redlined areas in a reparative framework.

#### CONTACT PERSON

Mayor Jesse Arreguin, 510-981-7100

Attachments:

1. Resolution
2. Grant confirmation letter

RESOLUTION NO. XX,XXX N.S.

AUTHORIZING A CONTRACT EXTENSION WITH CREATIVE DEVELOPMENT PARTNERS (CDP) TO SUPPORT THE EQUITABLE BLACK BERKELEY INITIATIVE AND ACCEPTING A GRANT FROM THE SAN FRANCISCO FOUNDATION

WHEREAS, On November 30, 2021, the Berkeley City Council voted to receive a grant from the San Francisco Foundation to support a consultant to assist the Equitable Black Berkeley Initiative (EBB) in a six-month process to ideate financing alternatives to increase the level of affordable housing at the North Berkeley and Ashby BART stations within a reparative framework; and

WHEREAS, on November 29, 2022, City Council approved accepting a grant award of \$75,000 from the San Francisco Foundation to renew the existing contract with Creative Development Partners supporting the Equitable Black Berkeley Initiative; and

WHEREAS, on January 17, 2023 City Council approved amending Contract No. 32200161 with Creative Development Partners to extend consulting work associated with Equitable Black Berkeley Initiative; and

WHEREAS, on November 1, 2023 the San Francisco Foundation provided an additional grant of \$75,000 for the period of October 1, 2023 through September 30, 2024 to the City of Berkeley to support the consultant assisting the Equitable Black Berkeley Initiative.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to receive \$75,000 of grant funds from the San Francisco Foundation for project support for the Equitable Black Berkeley (EBB) initiative and to extend Contract #32200161 with Creative Development Partners in support of the Equitable Black Berkeley Initiative, adding an additional \$75,000 to the contract for a total contact amount not to exceed \$200,000 and extending the contract term to September 30, 2024.

November 01, 2023

Jacquelyn McCormick  
City of Berkeley  
2118 Milvia Street  
Berkeley, California 94704

202408-297679

Dear Jacquelyn,

Congratulations! On behalf of The San Francisco Foundation Board of Trustees, I am pleased to inform you that a grant has been approved to your organization. We are excited to partner with you to expand opportunity in the Bay Area.

The enclosed Grant Agreement forms the contract between City of Berkeley and the Foundation. Please read the agreement carefully as it outlines the terms of the grant and reporting schedules. If we have your bank details on file, the grant will be paid to you by ACH transfer to the account that we have on record for your organization. If not, we are happy to enclose a check (please contact [programs@sff.org](mailto:programs@sff.org) for details of how to provide your bank information for quicker payment in future).

By accepting these grant funds, you are agreeing to the terms of the grant outlined below – no signature is required on the agreement and the agreement does not need to be returned to the Foundation.

Please do not hesitate to contact your Grant Contact Demetrius Burnett ([dburnett@sff.org](mailto:dburnett@sff.org)) if you have any questions about your grant or the policies of TSFF.

Thank you for your leadership and for all you are doing.

Yours truly,



Judith Bell

Chief Impact Officer



Grant Number: 202408-297679  
Organization Name: City of Berkeley

# GRANT AGREEMENT

**Grant Number:** 202408-297679  
**Please use this number in all correspondence**

San Francisco Foundation ("Grantor") is pleased to make a Project Support grant in the amount of \$ 75,000 to City of Berkeley ("Grantee") subject to the terms and conditions provided in this Agreement.

## **Acceptance of Grant**

By accepting these grant funds, you are agreeing to the terms of the grant outlined below – no signature is required to the agreement and the agreement does not need to be returned to the Foundation.

## **Contact**

Jacquelyn McCormick

## **Grantee**

City of Berkeley  
2118 Milvia Street  
Berkeley, California 94704

## **San Francisco Foundation Grant Contact**

Demitrius Burnett - dburnett@sff.org

## **Grant Amount**

\$ 75,000 for 12 months

## **Date Approved**

November 01, 2023

## **Grant Period**

October 01, 2023 - September 30, 2024

## **Grant Purpose**

For project support for the Equity for Black Berkeley Initiative and its process to establish a new entity/organization that will implement project objectives, influence the RFP and development processes for BART's transit-oriented development projects, as well as receive and manage funds that are raised for the initiative.

## **Outcomes and Activities**

**Outcome #1:** A new entity/organization, outside of the government and political structure of the City of Berkeley, will be created to attract institutional investors, ingrain community influence and voice, govern the strategic development of the project, and ensure the sustainability of the Equity for Black Berkeley (EBB) project and investment fund(s) beyond the current Mayoral and Partnership for the Bay's Future Policy Grant and Fellowship terms.

Grant Number: 202408-297679  
Organization Name: City of Berkeley

**Activities related to Outcome #1:**

- Continue to outreach and engage with private equity/financial firms to secure commitments to implement innovative financing mechanisms to obtain the \$50M per year target (\$500M total over 10 years) for affordable housing and wealth-building opportunities.
- Develop a governance structure to receive funds and grant funds based on a set of priorities to redress harms identified by the Black community.
- Engage the community, content experts, and relevant stakeholders to identify and confirm needs, progress, and capture additional forms of redress that fall within a repair and redress framework for Black communities.
- Influence the RFP for BART's transit-oriented development project at Ashby station to ensure the best developer is chosen based on EBB and community priorities.
- Identify innovative financial frameworks to support permanent, sustainable, and comprehensive community benefits for Berkeley's current and historic Black populations.
- Develop a transition and sustainability plan for the Berkeley Flea Market to support economic, cultural, and community development for BIPOC entrepreneurs through the transition phase of development and beyond.

#### **Grant Conditions (Financial Accounting Treatment Only)**

While grant funds are restricted and intended for use for the purposes described in this Agreement, for financial accounting treatment, the grant funds shall not be deemed to be conditioned upon the accomplishment of any particular measurable goal or metric, unless that condition is specifically identified in Special Conditions below.

#### **Tax-Exempt Status**

Tax-Exempt Status.

#### **Use of Grant Funds**

Grantee agrees to use all grant funds exclusively for charitable, scientific, literary or educational purposes consistent with Section 501(c)(3) and Section 170(c)(2)(B) of the Code, and at all times engage in activities and act solely as an organization described in Section 501(c) of the Code.

This grant is not earmarked or designated for transmittal to any other entity or person, whether or not mentioned in any proposal or other correspondence between Grantor and Grantee. While Grantee accepts full discretion and control of the grant and its disposition and responsibility for complying with this Agreement's terms and conditions, these funds may be spent only in accordance with the provisions of this Agreement. Expenditure of grant funds is subject to modification only with the prior written approval of Grantor.

#### **Prohibitions on Use**

Grantee agrees that at no time will any grant funds be used: (i) to attempt to influence the outcome of any specific public election, or to participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office; (ii) to

Grant Number: 202408-297679  
Organization Name: City of Berkeley

attempt to influence the selection, nomination, election or appointment of any individual to any public office or office in a political organization within the meaning of Code Section 527(e)(2); (iii) for any activity that is in violation of federal, state or local law or any effort to induce or encourage violations of law or public policy; (iv) to cause any private inurement or improper private benefit to occur; or (v) in any manner inconsistent with charitable and educational purposes defined under Code Section 501(c)(3).

If any grant funds are provided to another organization, Grantee shall notify Grantor of the transfer in advance and ensure that such grantee complies with all of the terms and conditions of this Agreement.

**Annual Check-in Requirements**

Guidelines and forms for annual check-ins with your application lead are available on the Foundation’s grantee portal at <https://sff.fluxx.io> under the Request Reports section. Your application lead will provide guidance on check-ins for your grant. If you need to extend the grant period or request changes in the payment schedule or budget, please contact your application lead – ([dburnett@sff.org](mailto:dburnett@sff.org)) and copy [programs@sff.org](mailto:programs@sff.org).

**Grant Check-In Due Dates**

|                                                          |                                    |
|----------------------------------------------------------|------------------------------------|
| <b>Check-In Due</b><br>Annual Check-in - Grantee Written | <b>Due By</b><br>November 01, 2024 |
|----------------------------------------------------------|------------------------------------|

**Payment Schedule**

Payments will be made on the schedule below if reports have been submitted on the dates requested.

|                                    |                                      |
|------------------------------------|--------------------------------------|
| <b>Payment Amount</b><br>\$ 75,000 | <b>Due Date</b><br>November 02, 2023 |
|------------------------------------|--------------------------------------|

**Marketing and Communications**

The San Francisco Foundation believes that the strategic use of communications and storytelling is core to achieving success in the work that we do together to expand opportunity in the Bay Area. We encourage you to announce your TSFF grant through online and traditional media coverage, and via social media, taking in to account the guidelines to support you in communicating about this specific grant. If you have any stories, images, or news coverage that you are able to share with the foundation that supports and exemplifies your work, please send these to [marketingandcommunications@sff.org](mailto:marketingandcommunications@sff.org). Please review our communications guidelines at [www.sff.org/TSFFcommguidelines](http://www.sff.org/TSFFcommguidelines) for additional details.

**Return of Funds**

Any funds not expended or committed for the purposes of this grant, or within the period stated earlier, must be returned to Grantor. Grantor will notify Grantee if it determines, after careful consideration of the information available to it, that the grant is not being used for the purposes specified or is not reasonably in the interest of the general public. In addition, Grantee will return any unexpended funds if Grantee loses its exemption under Code Section 501(c).

**Legal Compliance**

Grantee shall comply with all federal, state and local laws applicable to the activities undertaken with the grant

funds, and shall take all reasonable steps necessary to ensure participants in grant-funded activities comply with such laws.

**Recordkeeping**

Grantee shall maintain records satisfactory to Grantor related to this Agreement. Grantee shall make all books, ledgers, accounts, files and computer records and personnel involved in performing functions under the Agreement available to Grantor, its designated representatives, auditors or legal counsel to confirm compliance with the terms of the Agreement and applicable law. Grantee agrees to retain records in accordance with its document retention policy, but in no case less than six (6) years after the conclusion of the grant period.

**Entire Agreement**

This Agreement contains the entire understanding between Grantor and Grantee regarding the subject matter of this Agreement and supersedes any prior or contemporaneous agreement, whether oral or written, regarding said subject matter.

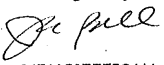
**Governing Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to its conflict of law rules.

**Modification or Amendment**

Requests for amendment or modification to the grant must be submitted in advance. The Grantee must do this by email to [programs@sff.org](mailto:programs@sff.org), including the grant number in any the email. Formal notification of whether requests have been approved will be issued by email.

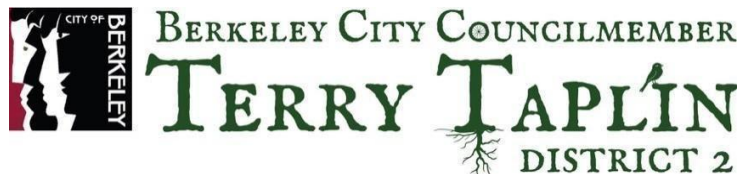
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November 01, 2023

The San Francisco Foundation

Date



CONSENT CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin, Councilmember Harrison (co-sponsor)

Subject: Designating Open Space Adjacent to the Ninth St Greenway between Heinz Ave and the Berkeley-Emeryville border as a Linear City Park Pursuant to BMC 6.42

RECOMMENDATION

Adopt a resolution designating open space adjacent to the Ninth St Greenway between Heinz Ave and the Berkeley-Emeryville border (Folger Ave) as linear City park space and formally dedicate this site for permanent recreational use pursuant to Berkeley Municipal Code 6.42.

CURRENT SITUATION AND RATIONALE FOR RECOMMENDATION

Parks and open space are critical for the quality of life of Berkeley residents and visitors. Measure L, the *Berkeley Public Parks and Open Space Preservation Ordinance*, adopted by the City of Berkeley in 1986 and codified as Berkeley Municipal Code (BMC) Section 6.42, designates “census tracts containing less than the master plan provision of two acres of parks and open space per one thousand population shall be singled out as having a high priority for funding the acquisition, development and maintenance of parks and recreational facilities.” The Berkeley City Council recently designated open space adjacent to Old City Hall as a linear park under this provision (see Attachment 3 and Attachment 4).

While Census Tract 4220, comprising Berkeley’s western edge, may technically meet this threshold, a significant portion of West Berkeley’s open space at Aquatic Park and the Marina is literally underwater, with increasing risk of sea level rise due to anthropogenic climate change. The California State Lands Commission reports: “Access to the Berkeley Marina via University Avenue will [be] periodically disrupted during 100-year storm events by 2030 and flooding will increase in frequency near the end of the century.”<sup>1</sup>

Moreover, the neighborhood’s population is quickly increasing, as this Census Tract has become the fastest-growing in Berkeley<sup>2</sup>, with a new Specific Area Plan for San Pablo Avenue currently in progress.<sup>3</sup> The Ninth St Greenway offers a unique opportunity to

<sup>1</sup> California State Lands Commission. (2021). Modified AB691 Assessment – City of Berkeley.

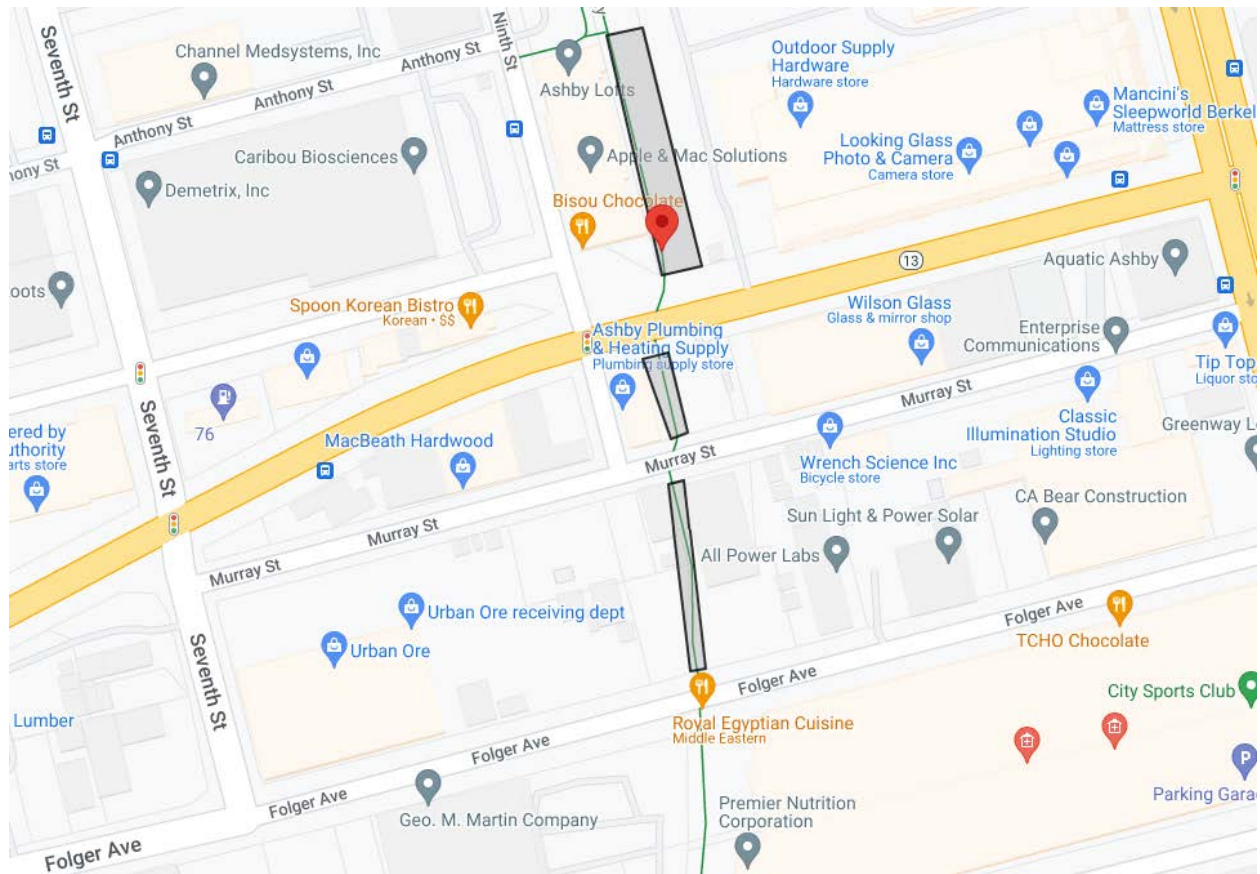
<https://slcprdwordpressstorage.blob.core.windows.net/wordpressdata/2022/08/ab691-summary-berkeley.pdf>

<sup>2</sup> Markovich, A. (2022). A changing Berkeley: 6 maps show how the past decade has remade the city. *Berkeleyside*. Retrieved Oct. 31, 2023 from <https://www.berkeleyside.org/2022/07/17/berkeley-population-demographics-housing-census-2020-maps>

<sup>3</sup> Berkeley City Manager. (2023). Update on San Pablo Avenue Specific Planning Efforts. <https://berkeleyca.gov/sites/default/files/documents/2023-09->

expand and beautify specifically pedestrian-friendly and ADA accessible open space in West Berkeley.

Pursuant to BMC 6.42, this item would contribute approximately an additional 0.46 acres of Parks and Open space for use by residents and visitors.



## BACKGROUND

The Ninth Street Greenway was recently renovated with a new traffic signal at Ashby Avenue, following the City of Berkeley's Bicycle Plan (2017)<sup>4</sup> and Pedestrian Plan (2020).<sup>5</sup> Recent and planned improvements to the Ohlone Greenway have also advanced these policy goals. However, the open space adjacent to the Ninth Street Greenway does not currently enjoy the status of a City park, which would confer additional maintenance and protection benefits under Measure L (1986). The landscaping and open space is already maintained by the Public Works Department and neighborhood volunteers.

[01%20Update%20on%20San%20Pablo%20Avenue%20Specific%20Planning%20Efforts%20-%20Off%20Agenda%20Memo.pdf](#)

<sup>4</sup> Berkeley Bicycle Plan. (2017). <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan>

<sup>5</sup> City of Berkeley Pedestrian Plan. (2020). <https://berkeleyca.gov/sites/default/files/2022-01/2020-Pedestrian-Plan.pdf>

Berkeley's Open Space and Recreational Element of the General Plan, adopted April 3, 2002, promulgates three goals that are consistent with this item:<sup>6</sup>

- preserving, maintaining, and repairing the city's existing open space and recreational resources and facilities;
- expanding open space and recreational resources to meet the evolving open space and recreational needs of all segments of this community through land acquisitions and improvements;
- increasing funding for parkland, recreational facilities, and open space maintenance, improvement, and expansion.

In the West Berkeley Plan, adopted in 1993, Mitigation 1 to Transportation Impact 4 in the Environmental Impact Report states that the City of Berkeley "will review and incorporate the need for new and/or improved bikeways, sidewalks, pedestrian ways, and pedestrian and bicycle signage in its review of projects and its capital improvement planning."

More recently, the 2017 Bicycle Plan designates Ninth Street as a Class 3E Bicycle Boulevard and the Ninth Street Greenway as a Class 1A Paved Path.

#### FISCAL IMPACTS OF RECOMMENDATION

Staff time and signage. This area is already owned and maintained by the City of Berkeley, so the fiscal impacts of designating approximately 0.46 acres of open space an official park would likely be marginal.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

The City of Berkeley's Climate Action Plan, first adopted in 2009, includes the following Policy under Sustainable Transportation & Land Use Goal #2, "Increase and enhance urban green and open space, including local food production, to improve the health and quality of life for residents, protect biodiversity, conserve natural resources, and foster walking and cycling":

*Promote tree planting, landscaping, and the creation of green and open space that is safe and attractive and that helps to restore natural processes*

A healthy urban forest has several benefits, including:

- Reducing the energy consumption associated with air conditioning buildings by providing shade

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<sup>6</sup> City of Berkeley General Plan: Open Space and Recreation Element. (2002).  
[https://berkeleyca.gov/sites/default/files/documents/08\\_Open%20Space%20and%20Recreation%20Element-FINAL.pdf](https://berkeleyca.gov/sites/default/files/documents/08_Open%20Space%20and%20Recreation%20Element-FINAL.pdf)

- Reducing local ambient temperatures by shading paved and dark colored surfaces like streets and parking lots that absorb and store energy rather than reflecting it
- Intercepting and storing rainwater, thereby reducing water runoff volume
- Improving community quality of life through beautification and by reducing noise pollution and encouraging pedestrian traffic

Trees also provide a GHG reduction benefit through a process called carbon sequestration. A single mature tree can absorb as much as 48 lbs. of carbon dioxide per year. Estimates are that between 660 and 990 million tons of carbon is stored in urban forests nationally.

The Policy also calls for the City to: “Establish standards and guidelines to ensure that ecologically beneficial stormwater quality and retention features and water conservation features are integrated into the design of landscaping features on both public and private land.”

#### CONTACT PERSON

Councilmember Taplin, District 2, (510) 981-7120

#### ATTACHMENTS

1. Resolution
2. Berkeley City Council Consent Calendar. (Kesarwani, 2019). Designating Berkeley’s portion of Ohlone Greenway and the West Street Bike Path as linear City parks.
3. Berkeley City Council 2023-09-12 Annotated Agenda
4. Designating Open Space Adjacent to and in Front of Old Berkeley City Hall as a Linear City Park Pursuant to BMC 6.42 (Harrison, 2023)



RESOLUTION ##,###-N.S.

DESIGNATING THE CITY OF BERKELEY-OWNED OPEN SPACE ADJACENT TO  
THE NINTH STREET GREENWAY AS A PUBLIC PARK

WHEREAS, in Berkeley's Open Space and Recreational Element of the General Plan, adopted April 3rd, 2002, the objectives are stated as:

- preserving, maintaining, and repairing the city's existing open space and recreational resources and facilities;
- expanding open space and recreational resources to meet the evolving open space and recreational needs of all segments of this community through land acquisitions and improvements;
- increasing funding for parkland, recreational facilities, and open space maintenance, improvement, and expansion; and

WHEREAS, Measure L, the Berkeley Public Parks and Open Space Preservation Ordinance adopted by the City of Berkeley in 1986 and codified in Berkeley Municipal Code 6.42, defines a Public Park as "City of Berkeley parks, public school playgrounds or lands held in trust by a public entity, which have been formally dedicated to permanent recreational use by the City of Berkeley, and funded for recreational use by City of Berkeley public funds"; and

WHEREAS, the above goals and ordinances establish the protection of open space and the establishment of public parks as an important City priority; and

WHEREAS, the open space and land adjacent to the Ninth Street Greenway is already being used and maintained as open space in a manner analogous to the Ohlone Greenway;

NOW THERFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Berkeley-owned open space and land adjacent to the Ninth Street Greenway designated as an official part of City park land and infrastructure.



Rashi Kesarwani  
Councilmember District 1

CONSENT CALENDAR  
07/23/2019

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rashi Kesarwani  
Subject: Designating Berkeley’s portion of Ohlone Greenway and the West Street Bike Path as linear City parks.

RECOMMENDATION

Adopt a resolution designating the Berkeley-owned portions of the West Street Bike Path and the Ohlone Greenway as linear City parks and formally dedicate these sites for permanent recreational use.

The City-owned portion of the West Street Bike Path begins adjacent to the basketball courts at Virginia Gardens and travels southward ending at Delaware Street.

The City-owned section of the Ohlone Greenway begins northwest of the North Berkeley BART station at Cedar Street and continues north to the City’s border with Albany.<sup>1</sup>

FINANCIAL IMPLICATIONS

The City already owns and maintains these properties, so the financial implications would be minimal. One-time minimal use of staff time would be needed to dedicate these areas as parks and add park signage.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley-owned portions of the West Street Bike Path and the Ohlone Greenway are used as recreational areas. Residents use these spaces to gather, rest and relax, play, and exercise, particularly biking and walking. Importantly, these dedicated bike/pedestrian paths already include many park features, such as park benches,

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<sup>1</sup> It should be noted that the San Francisco Bay Area Rapid Transit District (BART) is planning North Berkeley Bicycle and Pedestrian Access Improvements that will, among other upgrades, widen the BART-owned portion of the Ohlone Greenway adjacent to the BART side parking lots up to Virginia Gardens. See <https://www.bart.gov/about/planning/north-berkeley-bike> for plan details.

proximity to recreational facilities (including bike-share stations as well as basketball and tennis courts), and art installations.

Because these two paths primarily function as recreational areas, they should be officially dedicated as City parks for the common good of Berkeley residents and visitors. This resolution aligns with our Strategic Plan, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

It should also be noted that the Ohlone Greenway portions in both the cities of Albany<sup>2</sup> and El Cerrito<sup>3</sup> have already been dedicated as linear City parks; establishing a similar designation in Berkeley would create regional consistency for recreational pursuits.

### BACKGROUND

In Berkeley's Open Space and Recreational Element of our General Plan, adopted April 3<sup>rd</sup>, 2002<sup>4</sup>, the objectives are stated as:

The policies and actions of the Open Space and Recreation Element are intended to achieve the following three objectives:

- Preserve, maintain, and repair the city's existing open space and recreational resources and facilities.
- Expand open space and recreational resources to meet the evolving open space and recreational needs of all segments of this community through land acquisitions and improvements.
- Increase funding for parkland, recreational facilities, and open space maintenance, improvement, and expansion.

This is congruent with Berkeley's adopted Measure "L" – The Berkeley Public Parks and Open Space Preservation Ordinance, passed in 1986. The measure requires "the Berkeley City Council to preserve and maintain the public parks and open space in Berkeley as well as to acquire and maintain public parks and open space in the census tracts and neighborhoods of Berkeley having less than the minimum amount of open space relative to population (2 acres per 1,000) identified in the Berkeley Master Plan of 1977."<sup>5</sup> These directives regarding parks and open space prioritize recreation as an essential element of civic life, and requires the City to obtain and maintain these amenities for the public good. This council consent item seeks to ensure this directive by officially dedicating these public spaces as City park property for permanent recreational use.

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<sup>2</sup> Ohlone Greenway Park Facility Directory, City of Albany (2019) available at:

<https://www.albanyca.org/Home/Components/FacilityDirectory/FacilityDirectory/104/1607?npage=3>.

<sup>3</sup> Ohlone Greenway Facilities, City of El Cerrito (2019) available at: <http://el-cerrito.org/Facilities/Facility/Details/Ohlone-Greenway-16>.

<sup>4</sup> See: [https://www.cityofberkeley.info/uploadedFiles/Planning\\_\(new\\_site\\_map\\_walk-through\)/Level\\_3\\_-\\_General/GPliteOpen\\_Space\\_policies.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_(new_site_map_walk-through)/Level_3_-_General/GPliteOpen_Space_policies.pdf).

<sup>5</sup> Voter Information Pamphlet text of Measure L

ENVIRONMENTAL SUSTAINABILITY

Designating the Berkeley-owned portions of the West Street Bike Path and Ohlone Greenway as linear City parks will enable the City to better maintain these dedicated bike paths as safe and enjoyable alternatives to driving, thereby potentially reducing vehicle miles traveled.

CONTACT PERSONS

Councilmember Rashi Kesarwani                      Council District 1      510-981-7110

Attachments:

- 1: Resolution
- 2: Voter Information Pamphlet Text of Measure L
- 3: Map indicating proposed area to be designated as City of Berkeley linear parks

RESOLUTION NO. ##,###-N.S.

DESIGNATING THE BERKELEY-OWNED PORTIONS OF THE OHLONE GREENWAY  
AND WEST STREET BIKE PATH AS PART OF CITY PARK INFRASTRUCTURE

WHEREAS, in Berkeley's Open Space and Recreational Element of the General Plan, adopted April 3<sup>rd</sup>, 2002, the objectives are stated as:

- Preserving, maintaining, and repairing the city's existing open space and recreational resources and facilities
- Expanding open space and recreational resources to meet the evolving open space and recreational needs of all segments of this community through land acquisitions and improvements
- Increasing funding for parkland, recreational facilities, and open space maintenance, improvement, and expansion; and

WHEREAS, Berkeley adopted Measure "L" – The Berkeley Public Parks and Open Space Preservation Ordinance – in 1986, which requires "the Berkeley City Council to preserve and maintain the public parks and open space in Berkeley as well as to acquire and maintain public parks and open space in the census tracts and neighborhoods of Berkeley having less than the minimum amount of open space relative to population (2 acres per 1,000) identified in the Berkeley Master Plan of 1977"; and

WHEREAS, these directives regarding parks and open space prioritize recreation as an essential element of civic life, and requires the City to obtain and maintain these amenities for the public good; and

WHEREAS, Berkeley's portions of the West Street Bike Path and the Ohlone Greenway are used as recreational areas; and

WHEREAS, the Ohlone Greenway portions in both the cities of Albany and El Cerrito have already been dedicated as linear City parks.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Berkeley-owned portions of the Ohlone Greenway and West Street Bike Path are designated as linear City parks.

**CITY OF BERKELEY INITIATIVE ORDINANCE**

|                                                                                                                                                                                                                                                                                                                                                                          |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <p><b>L</b> MEASURE L: Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition is the only means of preserving the open space?</p> <p>Financial Implication: Increase in landscape assessment fees; acquisition costs unknown.</p> | YES |
|                                                                                                                                                                                                                                                                                                                                                                          | NO  |

**FULL TEXT OF MEASURE L**

LET IT HEREBY BE ORDAINED that an Ordinance shall be passed which shall provide:

**THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE: PROPOSAL FOR AN ORDINANCE TO REQUIRE THE BERKELEY CITY COUNCIL TO PRESERVE AND MAINTAIN THE PUBLIC PARKS AND OPEN SPACE WHICH EXIST IN BERKELEY, AS WELL AS TO ACQUIRE AND MAINTAIN PUBLIC PARKS AND OPEN SPACE IN THE CENSUS TRACTS AND NEIGHBORHOODS OF BERKELEY HAVING LESS THAN THE MINIMUM AMOUNT OF OPEN SPACE RELATIVE TO POPULATION (2 ACRES PER 1,000) IDENTIFIED IN THE BERKELEY MASTER PLAN OF 1977; AND TO REQUIRE THE CITY TO SUBMIT TO A POPULAR VOTE ALL PROPOSALS TO WITHDRAW FROM RECREATIONAL USE PUBLIC PARKS OR PUBLIC OPEN SPACE.**

**FINDINGS:**

WHEREAS the Berkeley Master Plan of 1977 (hereinafter Master Plan) provides for a minimum standard of two acres of public open space per 1,000 persons and identifies specific Berkeley census tracts as having high population density and high open space demands, and attainment of the minimum standard is jeopardized by continued loss of Public open spaces.

WHEREAS the City of Berkeley is the second most densely populated city in California, undeveloped land is at a high premium in Berkeley, there are significant pressures to convert City owned or controlled open space to permanent or long-term non-park, non-open space uses and there exists a clear and present emergency in that the threatened loss of open space, parks and recreational opportunities in the neighborhoods in Berkeley will cause irreparable damage to the health and welfare of Berkeley residents.

WHEREAS the Berkeley City Council has failed to provide and fund the Master Plan minimum standard of public parks and open space in every Berkeley neighborhood, and in particular in those census tracts having high park and open space requirements.

WHEREAS, specific procedures and directives to the Berkeley City Council are necessary to insure that the Master Plan's minimum park and open space goals are not rendered impossible through the continued loss of public open spaces;

**VOTER AUTHORIZATION PROCEDURE**

Section 1: That no public parks (hereinafter defined) or public open space (hereinafter defined) owned or controlled or leased by the City of Berkeley or agency thereof, shall be used for any other purpose than public parks and open space, without The Berkeley City Council first having submitted such use to the citizens for approval by a majority of registered Berkeley voters voting at the next occurring general election.

**FUNDING LEVELS TO ALLOW FULL USE**

Section 2(a): That wherever public parks and open space currently exist in Berkeley, such use shall continue and be funded at least to allow the maintenance of the present condition and services. (b) That all undedicated or unimproved open space owned or controlled by the City of Berkeley (including land held by the City in trust) shall be retained and funded by the Berkeley City Council to enable public recreational use of those lands. (c) That those census tracts containing less than the Master Plan provision of two acres of parks and open space per 1,000 population shall be singled out as having a high priority for funding the acquisition, development and maintenance of parks and recreational facilities.

**DEFINITIONS**

Section 3(a): **Public parks** shall be defined as City of Berkeley parks, public school playgrounds or lands held in trust by a public entity, which have been formally dedicated to permanent recreational use by the City of Berkeley, and funded for recreational use by City of Berkeley public funds.

Section 3(b) **Public open space** shall be defined as all City of Berkeley parks, public school playgrounds, and vacant public land, whether dedicated formally to park use or being used de facto as open space with recreational use or potential use on or after January 1, 1985.

**ADOPTION OF THIS ORDINANCE**

Section 4(a): If the petition accompanying this proposed ordinance is signed by the number of voters required by the Berkeley City Charter, Article XIII, Section (3) or (4) or (5), the Berkeley City Council is hereby directed to submit this ordinance forthwith to the vote of the people pursuant to the appropriate Charter Section that applies to the highest number of voter signatures certified by the City Clerk, unless the Council passes this ordinance pursuant to the Charter, Article XIII, Section (3)(a).

**RETROACTIVITY**

Section 5(a): Upon passage of this initiative, all actions taken on or after January 1, 1985, by the Berkeley City Council, Housing Authority, or any agency of the City of Berkeley which contravene the provisions herein shall be declared null and void.

Section 5(b): Upon passage of this initiative, all actions, even administrative, taken by the Berkeley City Council, or Housing Authority or agency of the City of Berkeley occurring after the date this initiative is certified for placement on the next occurring general election ballot, which actions are not in full conformity with this Ordinance, shall be declared null and void.

**SEVERABILITY**

Section 6: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are severable.

**BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE L**

The initiative ordinance would have the following effect:

1. Require that all existing public parks and vacant public land, either formally or informally devoted to recreational use after January 1, 1985, be retained and maintained at their present level of service. This requirement would only apply to land owned or controlled by the City of Berkeley, since the City does not have the authority to regulate land owned by other public entities such as the school district or the University of California. The Berkeley Redevelopment Agency and the Berkeley Housing Authority are independent state agencies and thus would be immune from regulation in this manner.
2. Require prior voter approval if such City of Berkeley public parks or open space are to be used for any other purpose. This measure requires the City to acquire land it does not presently own, if acquisition is the only means to retain the land as open space or public park. As of the date this analysis was prepared, several City parks are owned by others, including: sections of Ohlone Park, leased from Bay Area Rapid Transit District; six school parks owned by the Berkeley Unified School District and maintained, in part, by the City; and Douglas Park on Dwight Way which is owned by the University. The City has plans underway to acquire the remaining section of Ohlone Park.
3. Census tracts that do not meet the Master Plan open space requirements will have priority for the funding, acquisition, development and maintenance of parks and recreational facilities.

**Financial Implications**

Currently park maintenance is funded by fees through the Landscape Assessment District. Increase in fees will be required to maintain additional land. Costs to acquire land owned by others is unknown at this time, but may be significant.

## ARGUMENT IN FAVOR OF MEASURE L

Approval of this citizen's initiative ordinance will allow Berkeley Voters to directly participate in decisions to change the use of Public Parks and Open Space.

Berkeley's parks and public open spaces are highly used and valued by all parts of the community. They help provide for the health, fitness, children's play, entertainment, and recreational needs of all citizens. Decisions to reduce our presently insufficient number of parks belong on the ballot where all citizens can express their opinion with their vote.

This initiative ordinance requires that the voters must approve new uses for city lands held in public trust. It does not limit or prohibit any potential new uses approved by the majority of the voters.

Approval of this ordinance would certify that Berkeley Census tracts that presently contain less public open space than the Master Plan standard of two acres per 1,000 residents be given priority funding in acquisition, development and maintenance of parks/recreational facilities. It will help make distribution of parks more equitable throughout Berkeley. This is a minimal standard, since Berkeley has fewer parks than state and national averages.

The provisions of the Master Plan combined with the approval of Measure Y (1974) park funding, strongly suggests that the Citizens of Berkeley believe that Public Parks and Open Space need expansion. Since there is no indication that Berkeley has changed its opinion, it is all the more appropriate to require voter approval when potential development removes parks and open space called for in the Berkeley Master Plan.

You can help Preserve Berkeley's parks and open space by voting YES on Measure L.

s/Martha Nicoloff, Co-Author, Neighborhood Preservation Ordinance  
s/Clifford Fred  
s/Dorothy Bryant  
s/Carroll B. Williams, Former Berkeley School Director  
s/John G. Cecil, Chair, Preservation Initiatives Committee

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE L

The need for parks is a serious issue which should not be the subject of the scare tactics employed by the proponents of Measure L.

City parks are designated in the Master Plan for recreational use. Contrary to implications made by the proponents of this measure, **no one can recall any City plan**—past, present, or future—to **reduce the number of parks** serving Berkeley's recreational needs. Open space, sometimes a vacant lot, on the other hand, is usually held by owners other than the City. They may, or may not, have plans for future use of their property.

The real reason for Measure L is the Housing Authority's plan to build 12 single-family townhouses for low income families on a small portion of School District property at Savo Island (MLK, Jr. Way between Derby and Ward). The remaining piece of land is large enough to accommodate a football field. The neighborhood will still be able to enjoy the use of this open space.

Measure L does more than require a vote for new uses for City lands held in public trust. It requires the City to acquire land. But **where will the money come from?** Given the tremendous federal budget cuts to municipalities and the demands on the City's budget, from what other City services will the trade-off come? And given the pressure of Measure L on the City, property owners would be foolish to negotiate.

If we want additional parks, someone has to pay. And since we will ultimately pay, **we should know the cost before we make such an important decision.**

Don't let the proponents of this measure scare you into believing that our parks will disappear. Quite honestly, they won't.

## VOTE NO ON MEASURE L

s/Wesley E. Hester, Chair, Council Committee on Revenue and Finance  
s/Arlene Irlando, Member, Berkeley Chicano/Latino Network  
s/Maudelle Miller Shirek, Berkeley City Council  
s/Stacy Wilson, Chair, Citizens Budget Review Commission  
s/Carole K. Davis, Former Vice-Mayor

## ARGUMENT AGAINST MEASURE L

On its face as a statement of community values, Measure L seems harmless. What could be wrong with wanting additional parks? However, the difference between the outcome of Measure L and the kind of program which can come from a thoughtful parks proposal such as Measure Y (1974) is a budget—a specific amount dedicated to acquiring and maintaining parks and open space.

In 1974 voters passed a park acquisition, renovation and development ordinance: Measure Y. It raised more than \$5 million. As a result, the City was able to create 9 new parks and 8 parks on-school grounds. That measure was a direct result of the recognition that Berkeley was deficient in park space and was able to accomplish what it did because it included a budget.

As a community we are stretched thin in trying to fund a variety of City Services ranging from police services to sidewalk repair. **New parks** and additional open space **cost money** (if and when the City can get title to the property. In fact, this measure may well prejudice City negotiations with landowners who will use this measure in their bargaining. The proponents of Measure L are irresponsible in offering this proposal without including the means by which to finance it. They have made promises but have not provided any way of keeping them. **The citizens deserve to know how the money will be obtained, and what the price tag will be.**

s/Hynetha Hewitt, Parks and Recreation Commissioner  
s/Carole Davis, Former Vice-Mayor  
s/Maudelle Shirek, Berkeley City Council  
s/Carole Lewis, Social Services Director  
s/Rich Illgen, President, Planning Commission

## REBUTTAL TO ARGUMENT AGAINST MEASURE L

The opponents of Measure L have missed its major provision.

Measure L **prevents the City Council from using the existing public parks and open spaces for any new use without the approval of the community.**

If the **Council wants to remove/develop** existing public parks and open space, **prior voter approval is required.**

At this time, **no law prevents** our elected officials from placing such decisions on the ballot.

Measure L also requires that the **minimal standard for parks already in existence** be observed in **areas that presently have less than their "fair share" of parks** called for in the Berkeley Master Plan of 1977.

We do not agree with the opponents financial argument.

Despite the implications of the opponent's argument, responsibility for implementing and financing the Master Plan has not shifted from Council and Staff to individual community members. It should be noted that **determined citizens** who believe in the importance of parks and recreational facilities in everyone's quality of life, have and will continue to assist in the search for sources of new and additional funding.

Measure L ensures the community will be directly involved in decisions to re-use existing Public Parks and Open Space by placing every proposed development plan on the ballot and letting the voters decide between parks and development.

**Vote YES on Measure L.**

- s/Michael Winter, Executive Director, Center for Independent Living
- s/Pamela J. Ferguson
- s/Gloria A. Belsky
- s/John G. Cecil, Chair, Preservation Initiatives Committee
- s/Janet M. Maestre

**CITY OF BERKELEY INITIATIVE ORDINANCE**

|                                                                                                                                                                                                                          |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <p><b>M</b> MEASURE M: Shall an ordinance be adopted requiring voter approval for non-educational and/or non-recreational uses of Berkeley Unified School District property?</p> <p>Financial Implications: Unknown.</p> | YES |
|                                                                                                                                                                                                                          | NO  |

**FULL TEXT OF MEASURE M**

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF BERKELEY:

FINDINGS:

WHEREAS the Berkeley City Council and Berkeley Housing Authority have attempted to acquire, develop, use or approve Berkeley Unified School District property for non-educational purposes.

WHEREAS the Berkeley Unified School District (hereinafter School District) has been given a public trust in real property to use for the educational benefit of the Citizens of Berkeley.

WHEREAS the School District has purchased and developed real property with monies received in trust and intended to be expended for the educational benefit of the citizens of Berkeley, which property if lost to the originally intended and dedicated educational and related recreational uses, will be unavailable or irreplaceable when needed for those uses.

WHEREAS there is a potential that use or development of School District property for non-educational uses will ultimately act to the detriment of the Citizens of Berkeley and will violate the wishes of a majority of the Citizens of Berkeley regarding the use of that property.

WHEREAS these actions have been proposed and are being undertaken without the approval of the voters of Berkeley.

WHEREAS there exists a clear and present emergency in that the threatened sale or long-term lease of School District real property and buildings for non-educational or non-recreational use will cause irreparable damage to the health and welfare of Berkeley residents.

BE IT HEREBY BE ORDAINED that an Ordinance shall be passed which shall provide

**VOTER AUTHORIZATION PROCEDURE**

Section 1: That should the Berkeley City Council, Housing Authority or any other agency of the City of Berkeley propose to acquire, or approve the use of, School District property (hereinafter defined) for other than educational or existing recreational purposes, and should that approval or use require the purchase, sale or long-term encumbrance (hereinafter defined) of that property, the Berkeley City Council shall first submit that specific proposal, detailing the specific use, transaction sought, and the site involved, after being approved officially by the appropriate City agency and the Berkeley City Council, to the Citizens for approval by a majority of registered Berkeley voters voting at the next occurring general election.

**DEFINITIONS**

Section 2(a): **School District property** shall be defined to include the land and buildings which have been used by the Berkeley Unified School District for educational purposes, child-care, recreation or School District support services (including maintenance) at any time since January 1980.

Section 2(b): A **long-term encumbrance** shall include a lease whose term is greater than five years or where options are granted such that the term may be extended beyond five years by option of the lessee. In addition, a long-term encumbrance shall include any mortgage transaction which pledges the property as security.

**ADOPTION OF THIS ORDINANCE**

Section 3(a): If the petition accompanying this proposed ordinance is signed by the number of voters required by the Berkeley City Charter, Article XIII, Section (3) or (4) or (5), the Berkeley City Council is hereby directed to submit this ordinance forthwith to the vote of the people pursuant to the appropriate Charter Section that applies to the highest number of voter signatures certified by the City Clerk, unless the Council passes this ordinance pursuant to the Charter, Article XIII, Section (3) (a).

**RETROACTIVITY**

Section 4(a): Upon passage of this initiative, all actions taken on or after January 1, 1985, by the Berkeley City Council, Housing Authority or any agency of the City of Berkeley which contravene the provisions herein shall be declared null and void.

Section 4(b): Upon passage of this initiative, all actions, even administrative, taken by the Berkeley City Council, Housing Authority or agency of the City of Berkeley occurring after the date this initiative is certified for placement on the next occurring general election ballot, which actions are not in full conformity with this Ordinance, shall be declared null and void.

**SEVERABILITY**

Section 5: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are severable.

**BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE M**

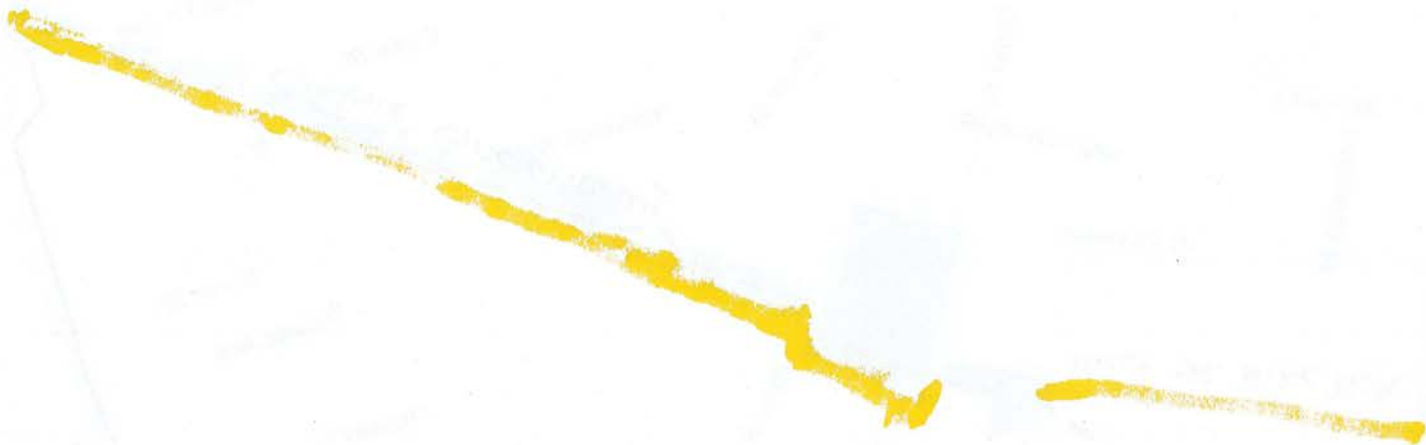
The initiative ordinance would have the following effect:

1. Require the City Council to submit to the voters for prior approval any proposal to acquire, encumber or lease for a period longer than five years, or approve the use of property owned by the Berkeley Unified School District, if the property is not intended to be devoted to educational or recreational uses. Under current law, voter approval of such a proposal would be required only if the property was to be used for specified kinds of public housing and the City had exhausted its current voter approved authority to construct such units. The Housing Authority is an independent state agency implementing statewide laws and is not subject to this ordinance. Zoning or other City land use approvals of projects proposed by other private or public persons or entities would not be subject to prior voter approval under current case law.
2. Provide that any actions taken by the City Council or the Berkeley Housing Authority or other City agency after January 1, 1985, which contravene the ordinance in the above respect, are null and void. The Berkeley Housing Authority has entered into a long-term lease with the Berkeley Unified School District



Proposed Area to be Designated as City of Berkeley Park Property:  
Ohlone Greenway: \_\_\_\_\_





**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, September 12, 2023**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.*

*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1606796328>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 679 6328**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

**Roll Call:** 6:07 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin.

**Absent:** None.

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Pledge of Allegiance to the Flag
2. Recognition of Yali's Café, Ike's Love and Sandwiches, and Lox Stock & Bagel for offering healthier food and beverage choices

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 13 speakers.

**Public Comment by Employee Unions (first regular meeting of the month):** None

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 13 speakers.

**Action:** M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

## Recess Items

- 1. Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of \$130,176 for fitness center memberships for City employees for the period July 1, 2023 through June 30, 2024.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted Resolution No. 71,016–N.S.
- 2. Contract No. 32200058 Amendment: ACI Payments, Inc for Recreation Online Registration System Credit Card Transaction Processing Fees**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager to execute an amendment to Contract No. 32200058 with ACI Payments, Inc (ACI) increasing the contract amount by \$35,000 for a total not to exceed amount of \$185,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 71,017–N.S.
- 3. Stipend for Echo Lake Camp Staff**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving up to a \$500/week stipend for certain Echo Lake Camp daily-rated staff working in the summer of 2023, starting July 30, 2023.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 71,018–N.S.
- 4. Contract No. 100692-4 Amendment: Serological Research Institute for DNA Testing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 100692-4 and any necessary future amendments with Serological Research Institute (SERI) for the Police Department, increasing the contract amount by \$1,000,000 for a total not to exceed amount of \$3,000,000 while the contract expiration will remain June 30, 2025.  
**Financial Implications:** State Proposition 172 Fund - \$1,000,000  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 71,019–N.S.

## Consent Calendar

- 5. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of July 10 (special closed), July 11 (regular), July 18 (special), July 24 (special closed and special) and July 25 (special and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved the minutes as submitted.
- 6. Establish 2024 City Council Meeting Schedule**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the City Council regular meeting schedule for 2024, with starting times of 6:00 p.m.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 71,020–N.S.
- 7. Police Accountability Board – Appointment of New Member**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution appointing a new member to the Police Accountability Board nominated by Councilmember Humbert.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 71,021–N.S.
- 8. Contract: NetFile for Online Campaign Report, Public Financing, and Form 700 Filing and Tracking**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Westcoast Online Information Systems, Inc. dba NetFile for an amount not to exceed \$170,700 for the period October 1, 2023 through September 30, 2028 for online campaign report, public financing, and Form 700 filing, processing, web posting, and tracking.  
**Financial Implications:** General Fund - \$170,700  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 71,022–N.S.

## Consent Calendar

- 9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 12, 2023**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** Various Funds - \$9,990,000  
 Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 10. Contract: Swifthawk LLC for Project Management & Consulting**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Swifthawk, LLC to provide project management and consulting services for the Fire Department from August 7, 2023 to August 31, 2025 in an amount not to exceed \$600,000.  
**Financial Implications:** Measure FF Fund - \$600,000  
 Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 71,023–N.S.
- 11. Contract No. 32300094 Amendment: Restoration Family Counseling Center for Counseling, Education and Support**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300094 for Counseling, Education and Support for the Fire Department (Department); with Restoration Family Counseling Center Inc. (RFCC), increasing the total contract amount from \$80,000 to \$308,000.  
**Financial Implications:** Various Funds - \$228,000  
 Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 71,024–N.S.
- 12. Accept Future of Public Health Funds from the State of California**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City manager to submit grant agreements to the State of California, to accept the grants, and to execute any resultant revenue agreements and amendments for the Future of Public Health program for an amount of \$912,213 for each of the following: Fiscal Year 2024, Fiscal Year 2025, and Fiscal Year 2026.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,025–N.S.

## Consent Calendar

- 13. Taxi Scrip Redemption Window Cash Drawer Increase**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing City Manager or her designee to increase the cash drawer amount for the weekly Taxi Scrip Redemption window from \$15,000 to \$20,000.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,026–N.S.
- 14. Contract: The Housing Workshop for Social Housing Models & Market Analysis**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with The Housing Workshop to provide policy model research and market analysis to inform social housing initiatives for the Department of Health, Housing, and Community Services (HHCS) from September 13, 2023 to September 13, 2024 in an amount not to exceed \$175,000.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,027–N.S.
- 15. Expenditure Contract: Persimmony International for Electronic Medi-Cal Administrative Activities and Targeted Case Management Documentation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure agreement, and any amendments or extensions, with Persimmony International for ongoing system maintenance of web-based Medi-Cal Administrative Activities (MAA) time study documentation, and Targeted Case Management (TCM) documentation. The contract will be in an encumbered amount of \$289,011 for the period July 1, 2023 through June 30, 2027.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,028–N.S.
- 16. Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency (BOSS) for McKinley House (2111 McKinley Avenue, Berkeley, CA 94703)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) through November 1, 2025, adding \$287,712 for a total contract amount of \$945,424, to fund Mental Health clients living at 2111 McKinley Avenue in Berkeley. This will extend the contract by two years.  
**Financial Implications:** See report.  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,029–N.S.



## Consent Calendar

- 17. Contract: Sensis, Inc. for Recruitment and Marketing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Sensis, Inc. for recruitment and marketing services, in an amount not to exceed \$250,000 over two years: \$125,000 in the first year, with an option to renew for a second year for an additional \$125,000.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,030–N.S.
- 18. Establish Classification and Salary Range – Lactation Counselor**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the unrepresented classification of Lactation Counselor with an hourly salary range of \$41.1351 - \$50.0000, and an annual salary range of \$85,561.0080 - \$104,000.00, in order to utilize grant funding to employ an International Board Certified Lactation Consultant (IBCLC) who will oversee the City’s Breastfeeding Peer Counselor Program and provide additional public health services to the City of Berkeley community.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,031–N.S.
- 19. Revise Classification and Salary Range – Paramedic**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution revising the classification of Paramedic to an hourly salary range of \$30.00-\$40.00 per hour (currently \$30.00-\$45.00 per hour) to offset unanticipated budgetary impacts due to overtime. This recommendation and proposed Resolution follow Council consideration of this item in Closed Session on July 24, 2023.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,032–N.S.

## Consent Calendar

### 20. Memorandum of Understanding: Berkeley Police Association

**From: City Manager**

**Recommendation:** Adopt a Resolution 1) approving a successor Memorandum of Understanding (hereafter referred to as “MOU”) with the Berkeley Police Association (hereafter referred to as the “Union”) for a three-year term from July 1, 2023 through June 30, 2026 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU and to make non-substantive edits to the format and language of the MOU in alignment with the tentative agreement, and conforming to legal requirements; and 2) approving a new Classification and Salary table for Representation Units E and F that implement the salary adjustments reflected in the new MOU and supersede Resolution No. 69,965,-N.S. The terms of the proposed 2023-2026 MOU are within the parameters of authority approved by Council in closed session. The proposals were ratified by the Union following a three-day vote that concluded on August 14, 2023.

**Financial Implications:** See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 71,033–N.S. as revised in Supplemental Communications Packet #2 from the City Manager.

### 21. Grant Applications: Bipartisan Infrastructure Law (BIL) and State Funds For Six City Infrastructure Improvement Projects

**From: City Manager**

**Recommendation:** Adopt six Resolutions authorizing the City Manager or her designee to submit grant applications to six federal (BIL) and state-funded competitive grant programs for City Infrastructure improvement projects; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the projects and appropriation of funding for related expenses, subject to securing the grants.

**Financial Implications:** See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Action:** Adopted Resolution No. 71,034–N.S. (Berkeley Waterfront University Ave Shoreline), Resolution No. 71,035–N.S. (Interstate 80 and Aquatic Park Lagoon), Resolution No. 71,036–N.S. (West Berkeley and Aquatic Park Lagoon), Resolution No. 71,037–N.S. (Santa Fe Railroad Track to Park), Resolution No. 71,038–N.S. (Martin Luther King, Jr. Youth Services Center), and Resolution No. 71,039–N.S. (South Berkeley Senior Center).

## Consent Calendar

- 22. Utility Easement: Bolivar Drive – East Bay Municipal Utility District**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing and directing the City Manager to convey a utility easement to the East Bay Municipal Utility District along Bolivar Drive at Aquatic Park.  
**Financial Implications:** None  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopt first reading of Ordinance No. 7,883–N.S. as revised in Supplemental Communications Packet #2 by the City Manager. Second reading scheduled for October 3, 2023.
- 23. Serving inclement weather needs, RV dwellers, and other vehicle dwellers through the Encampment Mobile Mental Health Wellness Team, as is feasible, within parameters of the state-approved project plan**  
**From: Homeless Services Panel of Experts**  
**Recommendation:** That Council refer to staff to include providing services to meet inclement weather needs of the unhoused and provide services to RV, and other vehicle, dwellers, as is feasible, within the parameters of the state-approved plan.  
**Financial Implications:** See report  
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400  
**Action:** Approved recommendation.
- 24. Authorization for an Additional Homeless Services Panel of Experts meeting in October 2023**  
**From: Homeless Services Panel of Experts**  
**Recommendation:** Adopt a Resolution authorizing one additional meeting of the Homeless Services Panel of Experts in October 2023, which would restore one general meeting given that 3 special meetings were otherwise used to address Measure P allocations.  
**Financial Implications:** See report  
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400  
**Action:** Adopted Resolution No. 71,040–N.S.
- 25a. Accommodating Client Literacy and Cognitive Challenges in Community Agency Allocation Funding Process as to Homeless Providers**  
**From: Homeless Services Panel of Experts**  
**Recommendation:** That Council refer to staff to include in the community agency allocation funding RFP a question to homeless services providers as to how homeless services providers plan to accommodate clients with literacy and cognitive challenges.  
**Financial Implications:** See report  
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400  
**Action:** See action for Item 25b.

## Consent Calendar

**25b. Companion Report: Accommodating Client Literacy and Cognitive Challenges in Community Agency Allocation Funding Process as to Homeless Providers From: City Manager**

**Recommendation:** Take no action on the Homeless Services Panel of Experts' recommendation, as staff have already included in the community agency allocation funding Request for Proposals (RFP) a question to homeless services providers as to how they plan to accommodate clients with literacy and cognitive challenges.

**Financial Implications:** See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000

**Action:** Approved recommendation in Item 25b.

## Council Consent Items

**26. Appoint Ayanna Davis to the Berkeley Housing Authority Board**

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution appointing Ayanna Davis to serve on the Berkeley Housing Authority Board of Commissioners for a four-year term.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** Adopted Resolution No. 71,041–N.S.

**27. Excused Absence for Councilmember Kate Harrison**

**From: Mayor Arreguin (Author)**

**Recommendation:** Excuse Councilmember Kate Harrison from the September 19, 2023 Council meeting as a result of attending to official business of the City.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** Approved recommendation.

**28. Letter to State Legislators Regarding San Pablo Park Pool Project**

**From: Councilmember Taplin (Author), Councilmember Robinson (Co-Sponsor)**

**Recommendation:** Send a letter to the requesting state budget allocations for capital improvements at San Pablo Park including the Frances Albrier Community Center and San Pablo Park Pool.

**Financial Implications:** Staff time

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

**Action:** Vice-Mayor Bartlett added as a co-sponsor. Approved recommendation.

## Council Consent Items

29. **51B BRT + University/Shattuck Corridor Mobility Improvements** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

**From: Councilmember Taplin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**

**Recommendation:**

1. Refer to the City Manager commencement of a feasibility analysis and community engagement process to develop options for the implementation of Bus Rapid Transit (BRT) improvements along AC Transit's 51B route; options are to be developed in tandem with internal city departments, including Public Works, Fire, Police Traffic Unit, and Economic Development, and interagency partners, including AC Transit, the Alameda County Transportation Commission, BART, Caltrans, UC Berkeley, and WETA; community engagement is to emphasize students, transportation advocates, transit riders, the disability rights community, the faith community, the senior community, local merchants, the business community, the arts community, and tenants; consultation with AC Transit and UC Berkeley Bear Transit on planning, scoping, and implementation is to begin as soon as possible; staff are encouraged to explore and pursue quick build improvements.
2. Refer \$150,000 to the FY 2024-2025 budget process to increase the budget for the city's ADA Transition Plan capital project to prioritize and implement ADA improvements at the city's intersections, such as curb cuts, auditory functions of crossing signals, bulb-outs, shortening crossing distances, and other safety improvements.
3. Refer \$150,000 to the FY 2025-2026 budget process for consulting costs to conduct corridor studies along University Avenue, from Seawall Drive, to Oxford Street, and along Oxford Street and Fulton Street, from Virginia Street to Durant Avenue, to identify appropriate road safety improvements that advance city-adopted safety, transportation, and climate goals and are continuous with work currently underway on the Addison Bicycle Boulevard, and explore improvements for curb management, i.e. accessible parking (blue curbs), management of curb space for third party delivery service, etc.

*Policy Committee Recommendation: To forward the item to Council with a positive recommendation.*

**Financial Implications:** See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

**Action:** Approved recommendation as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

## Council Consent Items

- 30. Budget Referral: Refer \$100,000 to the FY 23 and FY 24 AAO #1 to beautify Vacant Storefronts in Berkeley Commercial Districts**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer \$100,000 to the FY 23 and FY 24 AAO #1 to help fund art or district branding vinyl window graphics on vacant storefronts in Berkeley Commercial Districts to beautify our Commercial Districts. The fund would be administered by the Downtown Berkeley Association on behalf of all Commercial Districts, and would reimburse property owners for 50% of the entire cost of the project: 1. Artist fee; 2. Costs associated with non-commercial printed material that is ideally non-plastic (may be vinyl if no alternative exists); 3. Installation of non-commercial window graphics  
**Financial Implications:** See report  
 Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Humbert.
- 31. Budget Referral: Miyawaki “Pocket Forest” Pilot Program to Support Carbon Sequestration, Biodiversity, Cooling, Noise Reduction, Health, and Equity**  
**From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Refer to the November 2023 Budget Process \$140,000 to fund staffing, materials, and consultants for a Miyawaki Pocket Forest Pilot Project, including the planting of two pocket forests on City of Berkeley sites, preferably in areas most impacted by poor air quality, and a report to Council on opportunities and funding for a broader Citywide Miyawaki Forest program. Should November 2023 funding not be available, refer to subsequent budget processes for consideration.  
**Financial Implications:** See report  
 Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Mayor Arreguin added as a co-sponsor. Approved recommendation including supplemental material in Supplemental Communications Packet #1 from Councilmember Hahn, further amended to include consideration of the Here/There site as a potential pilot site. Supplemental material removes co-sponsor.

## Council Action Items

**32. Designating Open Space Adjacent to and in Front of Old Berkeley City Hall as a Linear City Park Pursuant to BMC 6.42**

**From: Councilmember Harrison (Author)**

**Recommendation:** Adopt a resolution designating open space in front of Old City Hall as linear City park space and formally dedicate this site for permanent recreational use pursuant to BMC 6.42.

**Financial Implications:** See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

**Action:** Moved to Consent Calendar. Adopted Resolution No. 71,042–N.S. with an amended resolved clause as written below and including the Council Report as Exhibit A to the resolution.

*NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Berkeley-owned open space and land adjacent to and in front of Old City Hall is designated as an official part of City park land and infrastructure. This includes the land identified in the greyed box on page 2 of the council report, attached hereto as Exhibit A, which is the area between the buildings and right of way excluding the area that is subject to a lease between the County and City of Berkeley.*

## Information Calendar

**33. LPO NOD: 60 Panoramic Way, #LMIN2023-0001**

**From: City Manager**

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Action:** Received and filed.

**34. LPO NOD: 1960 San Antonio Avenue/645 Arlington Avenue, #LMSAP2022-0005**

**From: City Manager**

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Action:** Received and filed.

**35. LPO NOD: 803 Delaware Street, LMSAP2023-0002**

**From: City Manager**

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 0 speakers.**

## Adjournment

**Action:** M/S/C (Arreguin/Robinson) to adjourn the meeting.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Humbert, Arreguin;  
Noes – None; Abstain – None; Absent – Hahn.

Councilmember Hahn absent 8:25 p.m. – 8:27 p.m.

Adjourned at 8:27 p.m.

## Communications

### **Item #29: 51 BRT + University/Shattuck Corridor Mobility Improvements**

1. Bike East Bay
2. Raul Maldonado

### **Berkeley Crime**

3. Anthony Felli, Regional Vice President, Skates on the Bay (2)
4. Nina Lyons
5. Pamela Michaud
6. Benjamin Stein
7. Peter Radu
8. Colleen McCann
9. Mike Kim
10. Nina Lyons
11. Diana Rossi
12. Peter Horsemann
13. Linda Laskowski
14. Teresa Clarke
15. Melissa Little
16. Rebecca Thomas
17. Ryan Kidd
18. Joshua Bloom
19. Shok Saidmuradov
20. Shannon Holloway
21. Peter Hosemann

### **Automated License Plate Readers (ALPR)**

22. Emily Benner
23. Laura Lake Gediman
24. Alex Merenkov
25. Rosemarie Klems
26. Katie Johnson
27. Isaac Dietz
28. Mary S.
29. Rosa Perez



## **Communications**

### **Daylight Strawberry Creek/Civic Center Park**

- 30. Jessica Hall
- 31. Juliet Lamont and Phil Price
- 32. Diana Bohn
- 33. Jennifer Ware
- 34. Stacie Degeneffe
- 35. Summer Brenner

### **BART Transit Oriented Development and Parking**

- 36. John Hitchen
- 37. Barbara Flasher
- 38. Michai Freeman
- 39. Markus Feyh
- 40. Chris Watters
- 41. Mikayla Fussman
- 42. Nat Kane
- 43. Peter Waller
- 44. Christine Goldin
- 45. Marija Hillis
- 46. Peggy Scott

### **2720 Hillegass/Willard Clubhouse**

- 47. Julie Obbard
- 48. Alex Stec

### **Housing**

- 49. Aimee Baldwin (3)
- 50. Meryl Siegal

### **Reforest Berkeley**

- 51. Glenn Alex
- 52. Ruby Lee
- 53. Mike Vandeman

### **Shellmound**

- 54. Sophia DeWitt, on behalf of East Bay Housing Organizations

### **Fukushima**

- 55. Richard Tamm
- 56. Francine Cavaliere
- 57. Dawn DelMonte (2)
- 58. Sally Nelson
- 59. Bjorn Fox
- 60. Nori Hudson
- 61. Jose Arau
- 62. Juli Dickey

## **Communications**

63. Jose Franklin Arau

### **3050 College Avenue**

64. Janet Miller (2)

### **Help Shape the Library's Strategic Plan**

65. Aimee Reeder

### **Lawrence Hall Neighborhood Issues**

66. Emily Starr

### **Berkeley's Business Districts**

67. Jack Kurzweil

### **Racial Injustices**

68. Aimee Baldwin

### **Public Works Transportation Division**

69. Hamid Mostowfi, Transportation and Infrastructure Commission Co-Secretary

### **Bio Labs**

70. Steve Shmanske

71. Sandina Robbins

### **People's Park**

72. Tobey Wiebe

73. Rod Gutierrez

### **Here/There Now Fence**

74. Mike Kim

75. Nicole Sullivan

### **Berkeley Police Department Investigation**

76. Diana Bohn

77. Mary Behm-Steinberg

78. Janie Schroeder (2)

79. Tobey Wiebe

80. Nathan Mizell

### **Fire Danger**

81. Susan Nunes

82. Councilmember Hahn

### **Cell Antennas**

83. Stephanie Thomas

84. Constance Anderson

## **Communications**

85. Phoebe Thomas Sorgen

### **Encampment at 8<sup>th</sup> & Harrison**

86. Yesica Prado (3)

87. Peter Radu, Neighborhood Services, City Manager's Office

### **Appoint Police Chief Louis**

88. Marvin Snow

### **Secondhand Smoke**

89. Carol Denney

90. Rebecca Day-Rodriguez, on behalf of Health, Housing & Community Services

### **Mortgage Relief Program**

91. Carole Marasovic

### **Rental Inspection Program Proposal**

92. Christopher La Combe

### **Virginia/Oxford Intersection**

93. Theo Posselt

### **Fire Inspection Bill**

94. Jane Kitchel

### **Youth Representation on the Environmental and Climate Commission**

95. Kristen Anderson

### **Roots Near Sidewalk and Curb**

96. Barry Horwitz

### **New City Manager**

97. Carol Denney

### **Battery Recycling**

98. David Lerman

### **Conflict of Interest/Trying to Find Children**

99. Lavell Young

### **Golden Gate Horse Racing**

100. Jim Renella

### **Homelessness**

101. Eric Friedman

102. Aimee Baldwin

## **Communications**

### **Cub Scout Requirement**

103. Jason Hertenstein

### **Ohlone Greenway**

104. Howard Goldberg (2)

105. Cindi Goldberg

106. Lisa Chow

107. Mary Behm-Steinberg

108. Eric Cheng

### **New Apartments and Business'**

109. Steven Schuyler

### **Star Alliance**

110. Peter Bruce DuMont (2)

### **Oakland International Airport Public Review**

111. Port of Oakland

### **Fire Ready Fest**

112. Berkeley Fire Department (2)

### **#DiscoveredinBerkeley – Squishy Robots**

113. Liz Redman, on behalf of the Office of Economic Development

### **Current State of the City of Berkeley**

114. Assal Sharifi

### **Jr. Jackets Football Support**

115. Eric Friedman

### **Request for Action – Police Budget, Building Heights, etcetera's**

116. Dan.auten@

### **URL's Only**

117. Vivian Warkentin (8)

118. crustyrusty@riseup.net

## **Supplemental Communications and Reports 1**

### **Item #29: 51 BRT + University/Shattuck Corridor Mobility Improvements**

119. Raul Maldonado, East Bay YIMBY Lead

120. Kiaran Katyal-Tan

121. Chuck Siegel, on behalf of Walk Bike Berkeley

122. 5 similarly-worded form letters

**Item #31: Budget Referral: Miyawaki “Pocket Forest” Pilot Program to Support Carbon Sequestration, Biodiversity, Cooling, Noise Reduction, Health, and Equity**

123. Supplemental material, submitted by Councilmember Hahn

**Item #32: Designating Open Space Adjacent to and in Front of Old Berkeley City Hall as a Linear City Park Pursuant to BMC 6.42**

124. Isabelle Gaston

125. Carol Hirth

**Supplemental Communications and Reports 2**

**Item #4: Contract No. 100692-4 Amendment: Serological Research Institute for DNA Test Services**

126. Elana Auerbach

**Item #20: Memorandum of Understanding: Berkeley Police Association**

127. Supplemental material, submitted by Human Resources

**Item #22: Utility Easement: Bolivar Drive – East Bay Municipal Utility District**

128. Revised material, submitted by Parks, Recreation and Waterfront

**Item #29: 51 BRT + University/Shattuck Corridor Mobility Improvements**

129. Eric Johnson

130. Mary Ann Furda

131. Tawny Reynolds

132. Phyllis Orrick

133. Mario Valadez

134. Alfred Twu

135. Lee Bishop

136. 12 similarly-worded form letters

**Item #32: Designating Open Space Adjacent to and in Front of Old Berkeley City Hall as a Linear City Park Pursuant to BMC 6.42**

137. Marsha Feinland

138. Paola Laverde

139. Max Ventura

140. Jean Tepperman

141. Erika Shore

142. Marian Wolfe

143. Carole Cool

144. Susana Porte

145. Summer Brenner

146. Gael Alcock

147. Miranda Ewell

148. Jane White

149. Rachel Katz

150. Stephen Most

151. Laura Galligan

152. Cate Leger

- 153. Helga Recke
- 154. William Pettus
- 155. Sally Nelson

### **Supplemental Communications and Reports 3**

#### **Item #4: Contract No. 100692-4 Amendment: Serological Research Institute for DNA Test Services**

- 156. Elana Auerbach

#### **Item #28: Letter to State Legislators Regarding San Pablo Park Pool Project**

- 157. Claudia Kawczynska
- 158. Cameron Woo

#### **Item #29: 51 BRT + University/Shattuck Corridor Mobility Improvements**

- 159. Melinda Howard-Herrarte, on behalf of the Sierra Club
- 160. Alden Mudge
- 161. Councilmember Humbert
- 162. Maulin Chokshi
- 163. Igor Tregub, on behalf of the Alameda County Democratic Party
- 164. Sean Gibson
- 165. 14 similarly-worded form letters

#### **Item #30: Budget Referral: Refer \$100,000 to the FY 23 and FY 24 AAO #1 to beautify Vacant Storefronts in Berkeley Commercial Districts**

- 166. Steve Kromer

#### **Item #31: Budget Referral: Miyawaki “Pocket Forest” Pilot Program to Support Carbon Sequestration, Biodiversity, Cooling, Noise Reduction, Health and Equity**

- 167. Daniel Gluesenkamp, on behalf of California Institute for Biodiversity
- 168. Jess Login and students, Malcolm X Elementary School
- 169. Hazel Copithorne
- 170. Lola Leeman
- 171. Ivan Fisher

#### **Item #32: Designating Open Space Adjacent to and in Front of Old Berkeley City Hall as a Linear City Park Pursuant to BMC 6.42**

- 172. Virginia Warheit
- 173. Pamela Drake
- 174. Diana Bohn
- 175. Erin Diehm
- 176. Juliet Lamont and Phil Price
- 177. Harvey Smith
- 178. Janet Levenson
- 179. Deborah Green

#### **Miscellaneous Communications**

- 180. Mr. Eid



Kate Harrison  
Councilmember, District 4

ACTION CALENDAR  
September 12, 2023

To: Honorable Mayor and Members of the City Council  
From: Councilmember Harrison  
Subject: Designating Open Space Adjacent to and in Front of Old Berkeley City Hall as a Linear City Park Pursuant to BMC 6.42

RECOMMENDATION

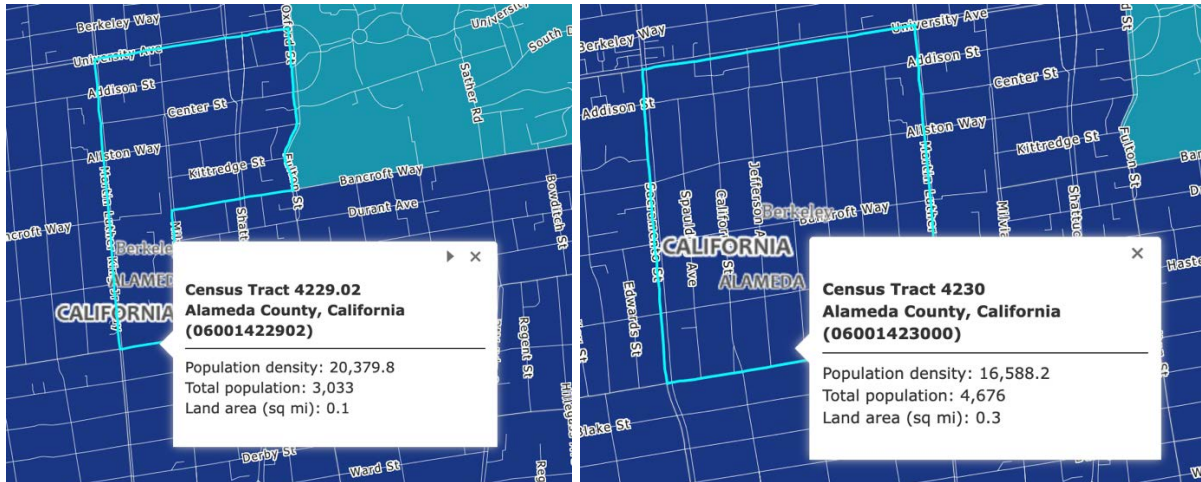
Adopt a resolution designating open space in front of Old City Hall as linear City park space and formally dedicate this site for permanent recreational use pursuant to BMC 6.42.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

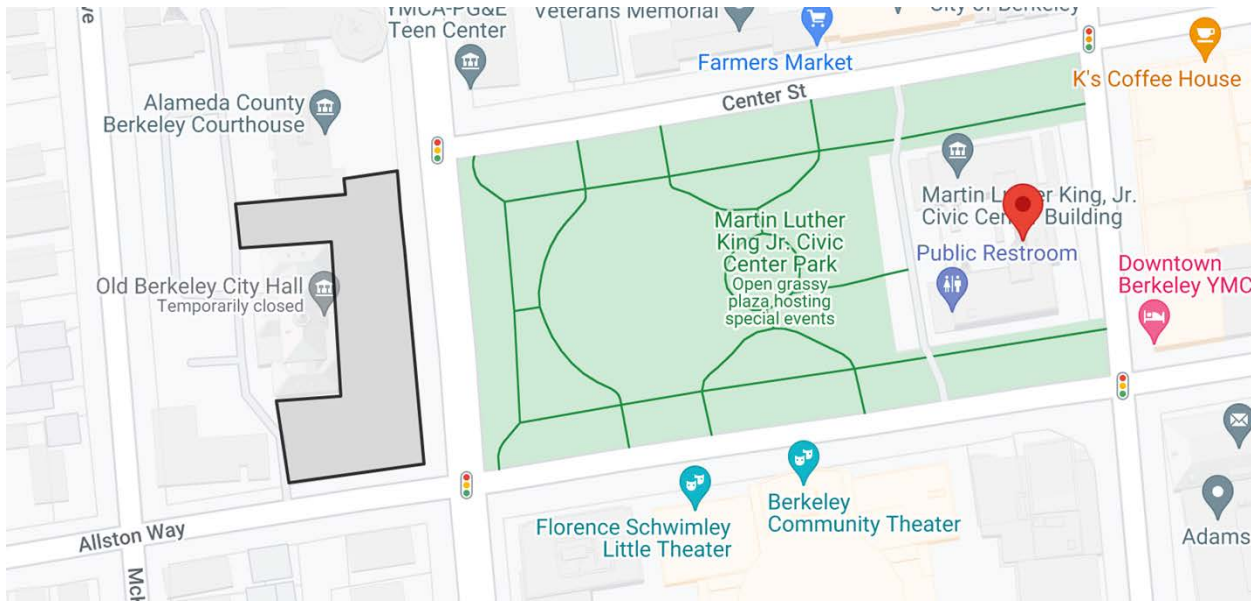
The built environment of Downtown Berkeley lacks an abundance of open space and recreational facilities. Parks and open space are critical for the well-being of residents.

Measure 'L', the *Berkeley Public Parks and Open Space Preservation Ordinance*, adopted by the City of Berkeley in 1986 and codified as Berkeley Municipal Code (BMC) Section 6.42, designates "census tracts containing less than the master plan provision of two acres of parks and open space per one thousand population shall be singled out as having a high priority for funding the acquisition, development and maintenance of parks and recreational facilities."

The Downtown Census tracts 4229.02 and 4230 with respective populations of 3,033 and 4,676 fall short of this threshold and should be prioritized for additional open space. The only park in Census tract 4229.02 is Civic Center Park with 3.46 acres of open space, nearly half the amount of space recommended by Measure L. Similarly, tract 4230 in Central Berkeley has a mere .63 acres of open space, when according to Measure L it should have approximately just under 10 acres.



Pursuant to BMC 6.42, this item would contribute approximately an additional .68 acres of Parks and Open space for use by residents and visitors to these two Central/Downtown census tracts by converting the open space in front of Old City Hall.



**BACKGROUND**

The District 4 Council District, where Old City Hall is located, contains nearly 14,082 residents according to the 2020 census but only contains roughly 4.02 acres of open space and park land. This means that, according to Measure L, District 4 has a high priority for funding, acquisition, development, and maintenance of new open space.

The open space and landscaping along the western side of MLK and in front of and to the sides of Old City Hall is currently designated a landscaping associated with civic buildings. The space does not currently enjoy the same status of a City park, which would



confer additional maintenance and protection benefits via the Parks, Recreation & Waterfront Department.

The open space in front of these three public buildings is already often used for variety of civic events and as a lunch spot for residents, workers, and Berkeley High students.

Within Berkeley's Open Space and Recreational Element of the General Plan, adopted April 3, 2002, the objectives are stated as follows and are consistent with the goals of this item:

- preserving, maintaining, and repairing the city's existing open space and recreational resources and facilities;
- expanding open space and recreational resources to meet the evolving open space and recreational needs of all segments of this community through land acquisitions and improvements;
- increasing funding for parkland, recreational facilities, and open space maintenance, improvement, and expansion; and

In addition, designating this area as an official public park would help achieve the goals ED-2 and OS-1 of the Berkeley Downtown Area Plan, to "maintain a safe and inviting streets, parks and plazas that contribute to the success of businesses and the wellbeing of residents" and "create new public gathering places that support nearby uses and Downtown as a destination."

In 2019, Council previously designated Berkeley's portion of Ohlone Greenway and the West Street Bike Path as linear City parks pursuant to BMC 6.42. It is in the public interest to similarly designate the Berkeley-owned open space and land included in this item as an official part of Berkeley park infrastructure.

#### FISCAL IMPACTS OF RECOMMENDATION

This area is already owned and maintained by the City of Berkeley so the fiscal impacts of making it an official park would be small. A minimal use of staff time would be required to dedicate the area as a park and add park signage.

#### ENVIRONMENTAL SUSTAINABILITY

Designating the open space adjacent to and in front of Old City Hall will enable the City to better maintain these dedicated spaces as safe and enjoyable low-carbon and carbon sequestering recreation areas.

#### CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140

#### ATTACHMENTS

1. Resolution
2. Voter Information Pamphlet Text of Measure L

RESOLUTION ##,###-N.S.

DESIGNATING THE BERKELEY-OWNED OPEN SPACE ADJACENT TO AND IN FRONT OF OLD CITY HALL AS AN OFFICIAL PART OF CITY PARK INFRASTRUCTURE

WHEREAS, in Berkeley's Open Space and Recreational Element of the General Plan, adopted April 3rd, 2002, the objectives are stated as:

- preserving, maintaining, and repairing the city's existing open space and recreational resources and facilities;
- expanding open space and recreational resources to meet the evolving open space and recreational needs of all segments of this community through land acquisitions and improvements;
- increasing funding for parkland, recreational facilities, and open space maintenance, improvement, and expansion; and

WHEREAS, in Berkeley's Downtown Area Plan, adopted March 20th, 2012, the objectives are stated as:

- maintaining a safe and inviting streets, parks and plazas that contribute to the success of businesses and the wellbeing of residents;
- creating new public gathering places that support nearby uses and Downtown as a destination; and

WHEREAS, Measure L, the *Berkeley Public Parks and Open Space Preservation Ordinance* adopted by the City of Berkeley in 1986 requires the Council "To preserve and maintain the public parks and open space which exist in Berkeley, as well as To acquire and maintain public parks and open space in the census tracts and Neighborhoods of Berkeley having less than the minimum amount of open Space relative to population (2 acres per 1,000)"; and

WHEREAS, District 4 and the census tracts therein adjacent to Old City Hall contains less than 2 acres of public parks and open space per 1,000 residents and therefore has a high priority for funding, acquisition, development, and maintenance of open space; and

WHEREAS, the above goals and ordinances establish the protection of open space and the establishment of public parks as an important City priority; and

WHEREAS, the open space and land along the western side of MLK and in front of Old City Hall are already being used for civic and recreational activities and are comparable to existing Park Space in the adjacent Civic Center Park.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Berkeley-owned open space and land adjacent to and in front of Old City Hall is designated as an official part of City park land and infrastructure.

**CITY OF BERKELEY INITIATIVE ORDINANCE**

|                                                                                                                                                                                                                                                                                                                                                                          |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <p><b>L</b> MEASURE L: Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition is the only means of preserving the open space?</p> <p>Financial Implication: Increase in landscape assessment fees; acquisition costs unknown.</p> | YES |
|                                                                                                                                                                                                                                                                                                                                                                          | NO  |

**FULL TEXT OF MEASURE L**

LET IT HEREBY BE ORDAINED that an Ordinance shall be passed which shall provide:

**THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE: PROPOSAL FOR AN ORDINANCE TO REQUIRE THE BERKELEY CITY COUNCIL TO PRESERVE AND MAINTAIN THE PUBLIC PARKS AND OPEN SPACE WHICH EXIST IN BERKELEY, AS WELL AS TO ACQUIRE AND MAINTAIN PUBLIC PARKS AND OPEN SPACE IN THE CENSUS TRACTS AND NEIGHBORHOODS OF BERKELEY HAVING LESS THAN THE MINIMUM AMOUNT OF OPEN SPACE RELATIVE TO POPULATION (2 ACRES PER 1,000) IDENTIFIED IN THE BERKELEY MASTER PLAN OF 1977; AND TO REQUIRE THE CITY TO SUBMIT TO A POPULAR VOTE ALL PROPOSALS TO WITHDRAW FROM RECREATIONAL USE PUBLIC PARKS OR PUBLIC OPEN SPACE.**

**FINDINGS:**

WHEREAS the Berkeley Master Plan of 1977 (hereinafter Master Plan) provides for a minimum standard of two acres of public open space per 1,000 persons and identifies specific Berkeley census tracts as having high population density and high open space demands, and attainment of the minimum standard is jeopardized by continued loss of Public open spaces.

WHEREAS the City of Berkeley is the second most densely populated city in California, undeveloped land is at a high premium in Berkeley, there are significant pressures to convert City owned or controlled open space to permanent or long-term non-park, non-open space uses and there exists a clear and present emergency in that the threatened loss of open space, parks and recreational opportunities in the neighborhoods in Berkeley will cause irreparable damage to the health and welfare of Berkeley residents.

WHEREAS the Berkeley City Council has failed to provide and fund the Master Plan minimum standard of public parks and open space in every Berkeley neighborhood, and in particular in those census tracts having high park and open space requirements.

WHEREAS, specific procedures and directives to the Berkeley City Council are necessary to insure that the Master Plan's minimum park and open space goals are not rendered impossible through the continued loss of public open spaces;

**VOTER AUTHORIZATION PROCEDURE**

Section 1: That no public parks (hereinafter defined) or public open space (hereinafter defined) owned or controlled or leased by the City of Berkeley or agency thereof, shall be used for any other purpose than public parks and open space, without The Berkeley City Council first having submitted such use to the citizens for approval by a majority of registered Berkeley voters voting at the next occurring general election.

**FUNDING LEVELS TO ALLOW FULL USE**

Section 2(a): That wherever public parks and open space currently exist in Berkeley, such use shall continue and be funded at least to allow the maintenance of the present condition and services. (b) That all undedicated or unimproved open space owned or controlled by the City of Berkeley (including land held by the City in trust) shall be retained and funded by the Berkeley City Council to enable public recreational use of those lands. (c) That those census tracts containing less than the Master Plan provision of two acres of parks and open space per 1,000 population shall be singled out as having a high priority for funding the acquisition, development and maintenance of parks and recreational facilities.

Section 3(a): **Public parks** shall be defined as City of Berkeley parks, public school playgrounds or lands held in trust by a public entity, which have been formally dedicated to permanent recreational use by the City of Berkeley, and funded for recreational use by City of Berkeley public funds.

Section 3(b) **Public open space** shall be defined as all City of Berkeley parks, public school playgrounds, and vacant public land, whether dedicated formally to park use or being used de facto as open space with recreational use or potential use on or after January 1, 1985.

**ADOPTION OF THIS ORDINANCE**

Section 4(a): If the petition accompanying this proposed ordinance is signed by the number of voters required by the Berkeley City Charter, Article XIII, Section (3) or (4) or (5), the Berkeley City Council is hereby directed to submit this ordinance forthwith to the vote of the people pursuant to the appropriate Charter Section that applies to the highest number of voter signatures certified by the City Clerk, unless the Council passes this ordinance pursuant to the Charter, Article XIII, Section (3)(a).

**RETROACTIVITY**

Section 5(a): Upon passage of this initiative, all actions taken on or after January 1, 1985, by the Berkeley City Council, Housing Authority, or any agency of the City of Berkeley which contravene the provisions herein shall be declared null and void.

Section 5(b): Upon passage of this initiative, all actions, even administrative, taken by the Berkeley City Council, or Housing Authority or agency of the City of Berkeley occurring after the date this initiative is certified for placement on the next occurring general election ballot, which actions are not in full conformity with this Ordinance, shall be declared null and void.

**SEVERABILITY**

Section 6: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are severable.

**BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE L**

The initiative ordinance would have the following effect:

1. Require that all existing public parks and vacant public land, either formally or informally devoted to recreational use after January 1, 1985, be retained and maintained at their present level of service. This requirement would only apply to land owned or controlled by the City of Berkeley, since the City does not have the authority to regulate land owned by other public entities such as the school district or the University of California. The Berkeley Redevelopment Agency and the Berkeley Housing Authority are independent state agencies and thus would be immune from regulation in this manner.
2. Require prior voter approval if such City of Berkeley public parks or open space are to be used for any other purpose. This measure requires the City to acquire land it does not presently own, if acquisition is the only means to retain the land as open space or public park. As of the date this analysis was prepared, several City parks are owned by others, including: sections of Ohlone Park, leased from Bay Area Rapid Transit District; six school parks owned by the Berkeley Unified School District and maintained, in part, by the City; and Douglas Park on Dwight Way which is owned by the University. The City has plans underway to acquire the remaining section of Ohlone Park.
3. Census tracts that do not meet the Master Plan open space requirements will have priority for the funding, acquisition, development and maintenance of parks and recreational facilities.

**Financial Implications**

Currently park maintenance is funded by fees through the Landscape Assessment District. Increase in fees will be required to maintain additional land. Costs to acquire land owned by others is unknown at this time, but may be significant.

## ARGUMENT IN FAVOR OF MEASURE L

Approval of this citizen's initiative ordinance will allow Berkeley Voters to directly participate in decisions to change the use of Public Parks and Open Space.

Berkeley's parks and public open spaces are highly used and valued by all parts of the community. They help provide for the health, fitness, children's play, entertainment, and recreational needs of all citizens. Decisions to reduce our presently insufficient number of parks belong on the ballot where all citizens can express their opinion with their vote.

This initiative ordinance requires that the voters must approve new uses for city lands held in public trust. It does not limit or prohibit any potential new uses approved by the majority of the voters.

Approval of this ordinance would certify that Berkeley Census tracts that presently contain less public open space than the Master Plan standard of two acres per 1,000 residents be given priority funding in acquisition, development and maintenance of parks/recreational facilities. It will help make distribution of parks more equitable throughout Berkeley. This is a minimal standard, since Berkeley has fewer parks than state and national averages.

The provisions of the Master Plan combined with the approval of Measure Y (1974) park funding, strongly suggests that the Citizens of Berkeley believe that Public Parks and Open Space need expansion. Since there is no indication that Berkeley has changed its opinion, it is all the more appropriate to require voter approval when potential development removes parks and open space called for in the Berkeley Master Plan.

You can help Preserve Berkeley's parks and open space by voting YES on Measure L.

s/Martha Nicoloff, Co-Author, Neighborhood Preservation Ordinance  
s/Clifford Fred  
s/Dorothy Bryant  
s/Carroll B. Williams, Former Berkeley School Director  
s/John G. Cecil, Chair, Preservation Initiatives Committee

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE L

The need for parks is a serious issue which should not be the subject of the scare tactics employed by the proponents of Measure L.

City parks are designated in the Master Plan for recreational use. Contrary to implications made by the proponents of this measure, **no one can recall any City plan**—past, present, or future—to **reduce the number of parks** serving Berkeley's recreational needs. Open space, sometimes a vacant lot, on the other hand, is usually held by owners other than the City. They may, or may not, have plans for future use of their property.

The real reason for Measure L is the Housing Authority's plan to build 12 single-family townhouses for low income families on a small portion of School District property at Savo Island (MLK, Jr. Way between Derby and Ward). The remaining piece of land is large enough to accommodate a football field. The neighborhood will still be able to enjoy the use of this open space.

Measure L does more than require a vote for new uses for City lands held in public trust. It requires the City to acquire land. But **where will the money come from?** Given the tremendous federal budget cuts to municipalities and the demands on the City's budget, from what other City services will the trade-off come? And given the pressure of Measure L on the City, property owners would be foolish to negotiate.

If we want additional parks, someone has to pay. And since we will ultimately pay, **we should know the cost before we make such an important decision.**

Don't let the proponents of this measure scare you into believing that our parks will disappear. Quite honestly, they won't.

## VOTE NO ON MEASURE L

s/Wesley E. Hester, Chair, Council Committee on Revenue and Finance  
s/Arlene Irlando, Member, Berkeley Chicano/Latino Network  
s/Maudelle Miller Shirek, Berkeley City Council  
s/Stacy Wilson, Chair, Citizens Budget Review Commission  
s/Carole K. Davis, Former Vice-Mayor

## ARGUMENT AGAINST MEASURE L

On its face as a statement of community values, Measure L seems harmless. What could be wrong with wanting additional parks? However, the difference between the outcome of Measure L and the kind of program which can come from a thoughtful parks proposal such as Measure Y (1974) is a budget—a specific amount dedicated to acquiring and maintaining parks and open space.

In 1974 voters passed a park acquisition, renovation and development ordinance: Measure Y. It raised more than \$5 million. As a result, the City was able to create 9 new parks and 8 parks on-school grounds. That measure was a direct result of the recognition that Berkeley was deficient in park space and was able to accomplish what it did because it included a budget.

As a community we are stretched thin in trying to fund a variety of City Services ranging from police services to sidewalk repair. **New parks and additional open space cost money** (if and when the City can get title to the property. In fact, this measure may well prejudice City negotiations with landowners who will use this measure in their bargaining. The proponents of Measure L are irresponsible in offering this proposal without including the means by which to finance it. They have made promises but have not provided any way of keeping them. **The citizens deserve to know how the money will be obtained, and what the price tag will be.**

s/Hynetha Hewitt, Parks and Recreation Commissioner  
s/Carole Davis, Former Vice-Mayor  
s/Maudelle Shirek, Berkeley City Council  
s/Carole Lewis, Social Services Director  
s/Rich Illgen, President, Planning Commission

## REBUTTAL TO ARGUMENT AGAINST MEASURE L

The opponents of Measure L have missed its major provision.

Measure L **prevents the City Council from using the existing public parks and open spaces for any new use without the approval of the community.**

If the **Council wants to remove/develop** existing public parks and open space, **prior voter approval is required.**

At this time, **no law prevents** our elected officials from placing such decisions on the ballot.

Measure L also requires that the **minimal standard for parks already in existence** be observed in **areas that presently have less than their "fair share" of parks** called for in the Berkeley Master Plan of 1977.

We do not agree with the opponents financial argument.

Despite the implication of the opponent's argument, responsibility for implementing and financing the Master Plan has not shifted from Council and Staff to individual community members. It should be noted that **determined citizens** who believe in the importance of parks and recreational facilities in everyone's quality of life, have and will continue to assist in the search for sources of new and additional funding.

Measure L ensures the community will be directly involved in decisions to re-use existing Public Parks and Open Space by placing every proposed development plan on the ballot and letting the voters decide between parks and development.

**Vote YES on Measure L.**

- s/Michael Winter, Executive Director, Center for Independent Living
- s/Pamela J. Ferguson
- s/Gloria A. Belsky
- s/John G. Cecil, Chair, Preservation Initiatives Committee
- s/Janet M. Maestre

**CITY OF BERKELEY INITIATIVE ORDINANCE**

|                                                                                                                                                                                                                          |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <p><b>M</b> MEASURE M: Shall an ordinance be adopted requiring voter approval for non-educational and/or non-recreational uses of Berkeley Unified School District property?</p> <p>Financial Implications: Unknown.</p> | YES |
|                                                                                                                                                                                                                          | NO  |

**FULL TEXT OF MEASURE M**

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF BERKELEY:

**FINDINGS:**

WHEREAS the Berkeley City Council and Berkeley Housing Authority have attempted to acquire, develop, use or approve Berkeley Unified School District property for non-educational purposes.

WHEREAS the Berkeley Unified School District (hereinafter School District) has been given a public trust in real property to use for the educational benefit of the Citizens of Berkeley.

WHEREAS the School District has purchased and developed real property with monies received in trust and intended to be expended for the educational benefit of the citizens of Berkeley, which property if lost to the originally intended and dedicated educational and related recreational uses, will be unavailable or irreplaceable when needed for those uses.

WHEREAS there is a potential that use or development of School District property for non-educational uses will ultimately act to the detriment of the Citizens of Berkeley and will violate the wishes of a majority of the Citizens of Berkeley regarding the use of that property.

WHEREAS these actions have been proposed and are being undertaken without the approval of the voters of Berkeley.

WHEREAS there exists a clear and present emergency in that the threatened sale or long-term lease of School District real property and buildings for non-educational or non-recreational use will cause irreparable damage to the health and welfare of Berkeley residents.

BE IT HEREBY BE ORDAINED that an Ordinance shall be passed which shall provide

**VOTER AUTHORIZATION PROCEDURE**

Section 1: That should the Berkeley City Council, Housing Authority or any other agency of the City of Berkeley propose to acquire, or approve the use of, School District property (hereinafter defined) for other than educational or existing recreational purposes, and should that approval or use require the purchase, sale or long-term encumbrance (hereinafter defined) of that property, the Berkeley City Council shall first submit that specific proposal, detailing the specific use, transaction sought, and the site involved, after being approved officially by the appropriate City agency and the Berkeley City Council, to the Citizens for approval by a majority of registered Berkeley voters voting at the next occurring general election.

**DEFINITIONS**

Section 2(a): **School District property** shall be defined to include the land and buildings which have been used by the Berkeley Unified School District for educational purposes, child-care, recreation or School District support services (including maintenance) at any time since January 1980.

Section 2(b): A **long-term encumbrance** shall include a lease whose term is greater than five years or where options are granted such that the term may be extended beyond five years by option of the lessee. In addition, a long-term encumbrance shall include any mortgage transaction which pledges the property as security.

**ADOPTION OF THIS ORDINANCE**

Section 3(a): If the petition accompanying this proposed ordinance is signed by the number of voters required by the Berkeley City Charter, Article XIII, Section (3) or (4) or (5), the Berkeley City Council is hereby directed to submit this ordinance forthwith to the vote of the people pursuant to the appropriate Charter Section that applies to the highest number of voter signatures certified by the City Clerk, unless the Council passes this ordinance pursuant to the Charter, Article XIII, Section (3) (a).

**RETROACTIVITY**

Section 4(a): Upon passage of this initiative, all actions taken on or after January 1, 1985, by the Berkeley City Council, Housing Authority or any agency of the City of Berkeley which contravene the provisions herein shall be declared null and void.

Section 4(b): Upon passage of this initiative, all actions, even administrative, taken by the Berkeley City Council, Housing Authority or agency of the City of Berkeley occurring after the date this initiative is certified for placement on the next occurring general election ballot, which actions are not in full conformity with this Ordinance, shall be declared null and void.

**SEVERABILITY**

Section 5: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are severable.

**BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE M**

The initiative ordinance would have the following effect:

1. Require the City Council to submit to the voters for prior approval any proposal to acquire, encumber or lease for a period longer than five years, or approve the use of property owned by the Berkeley Unified School District, if the property is not intended to be devoted to educational or recreational uses. Under current law, voter approval of such a proposal would be required only if the property was to be used for specified kinds of public housing and the City had exhausted its current voter approved authority to construct such units. The Housing Authority is an independent state agency implementing statewide laws and is not subject to this ordinance. Zoning or other City land use approvals of projects proposed by other private or public persons or entities would not be subject to prior voter approval under current case law.
2. Provide that any actions taken by the City Council or the Berkeley Housing Authority or other City agency after January 1, 1985, which contravene the ordinance in the above respect, are null and void. The Berkeley Housing Authority has entered into a long-term lease with the Berkeley Unified School District



# BEN BARTLETT

VICE MAYOR

CONSENT CALENDAR

November 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett, Mayor Jesse Arreguin,  
 Councilmember Sophie Hahn  
 Subject: Healthy Black Families 10th Anniversary Celebration

RECOMMENDATION:

Adopt a resolution approving the expenditure of funds, including \$500 from Vice Mayor Ben Bartlett to the Healthy Black Families 10th Anniversary Celebration event. The funds should be relinquished to the City’s general fund for this purpose from the discretionary council office budget of Vice Mayor Ben Bartlett and any other council members who would like to contribute.

BACKGROUND:

On December 9th, 2023, Healthy Black Families will celebrate ten years of service to the Berkeley community.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$500 is available from the fund. The cost is as follows: Donation to Healthy Black Families.

ENVIRONMENTAL SUSTAINABILITY: No impact.

CONTACT PERSON:

|                            |              |
|----------------------------|--------------|
| Councilmember Ben Bartlett | 510-981-7130 |
| James Chang                | 510-981-7131 |

ATTACHMENT:

1. Resolution

RESOLUTION NO. ##,###-N.S.

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A DONATION TO Healthy Black Families TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE.

WHEREAS, Councilmember Bartlett has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation – Healthy Black Families – will receive the funds in the amount of \$500 from the discretionary council office budget of Vice Mayor Ben Bartlett and any other council members who would like to contribute; and

WHEREAS, Healthy Black Families has served the Berkeley community for ten years, with a focus on Black individuals and families, to provide them with knowledge, skills, and strategies to make social systems and policies more equitable; and

WHEREAS, the provisions of such an event would fulfill the municipal public purpose of providing community members with knowledge of equitable social services and encourage them to embrace healthy lifestyle choices;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their council office budget, of an amount to be determined by each Councilmember, shall be granted to Healthy Black Families for this purpose.





Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison

Subject: Refer to the City Manager to Enhance the City's Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

RECOMMENDATION

1. Refer to the City Manager to review and develop enhanced and enforceable City deconstruction and materials management regulations, including the following elements:

- a. Review of national and international best practices for regulating deconstruction, diversion, recycling, and reuse of construction and demolition materials;
- b. Integrate deconstruction and construction and enhanced demolition debris management, tracking, and regulation into the Department of Public Works' Zero Waste Strategic Plan and Transfer Station upgrade as appropriate;
- c. Policy options for (1) enforcing minimum State diversion and recycling requirements, (2) new deconstruction requirements applicable to all permitted Berkeley projects including defining specific building components that are potentially reusable and requiring an enforceable salvage survey provided by the City, a reuse organization, or other third party approved by the City, (3) potentially implementing a social cost of carbon fee on construction and demolition debris, (4) possible enhancements to minimum statewide diversion goals, (5) comprehensive tracking of the disposition of construction and demolition materials, (6) enhancing diversion from un-permitted projects, and (7) integrating salvageable material into developer project planning and budgeting process and permit application plan set (as opposed to at time of final permitting).
- d. Background survey on contents of existing building stock to get more data on intended impact and opportunities regarding new deconstruction requirements; vetting of existing service providers (certified salvage contractors and salvage material vendors), markets for salvage materials, a list of approved reuse/salvage facilities; a plan for educating contractors on requirements; and an analysis of the costs of compliance with and implementation of any proposed regulations and analysis of any corresponding impacts on feasibility of new construction.

Refer to the City Manager to Enhance the City’s Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

CONSENT CALENDAR  
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2. Refer to December 2023 Budget AAO #1 Process \$250,000 to conduct a nexus fee study (using the latest academic research, updated damage functions, and low discount rates)<sup>1</sup> for a potential social cost of carbon fee to be applied e.g., to the impact of displacing existing embodied carbon (landfilled construction and demolition debris) and replacement with new embodied carbon. The purpose of the fee is to incentivize reuse and deconstruction, minimize demolition, maximize useful embodied carbon, and fund the City’s ongoing green building work and services.

**POLICY COMMITTEE RECOMMENDATION**

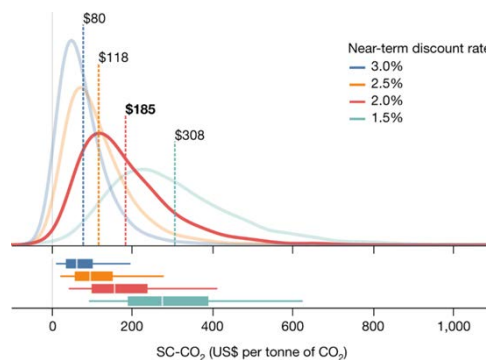
On November 1, 2023, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action:

M/S/C (Robinson/Harrison) to refer the revised agenda material with a positive recommendation to Council with the following revisions to the recommendation:

1. Section C.3 to read as follows: “potentially implementing a social cost of carbon fee on construction and demolition debris.”
2. Section D to read as follows: “Background survey on contents of existing building stock to get more data on intended impact and opportunities regarding new deconstruction requirements; vetting of existing service providers (certified salvage contractors and salvage material vendors), markets for salvage materials, a list of approved reuse/salvage facilities; and a plan for educating contractors on requirements; and an analysis of the costs of compliance with and implementation of any proposed regulations and analysis of any corresponding impacts on feasibility of new construction.”

Vote: Ayes – Robinson, Harrison; Noes – None; Abstain – Humbert; Absent –None.

<sup>1</sup> See Rennert, K., Errickson, F., Prest, B.C. *et al.* Comprehensive evidence implies a higher social cost of CO<sub>2</sub>. *Nature* **610**, 687–692 (2022). <https://doi.org/10.1038/s41586-022-05224-9>. Using a 1.5% discount rate, the social cost of carbon in 2020 dollars is estimated at \$308 (~\$367.48 in 2023) per metric ton of carbon dioxide:



Refer to the City Manager to Enhance the City's Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

CONSENT CALENDAR  
November 28, 2023

### CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

The accumulation, collection, removal and disposal of waste associated with construction, deconstruction and demolition activities needs to be regulated for the protection of the public health, safety and welfare, climate and natural environment.

According to the World Green Building Council, 11% of all energy-related carbon emissions result from building materials and construction activities.<sup>2</sup> These emissions are often referred to as “embodied carbon,” which the International Code Council defines “the carbon emissions released during the extraction, manufacturing, transportation, construction and end-of-life phases of buildings.”<sup>3</sup>

Emissions are not only embodied in new construction materials and activities, but also in those of the past. The current built environment represents the physical manifestation of past greenhouse gas emissions (GHGs), and given the imperative of rapidly reducing GHGs, such material must be prioritized for preservation, or reuse. Every part of the built environment, whether constructed with ancient redwood timber in the nineteenth century or Canadian Douglas fir and pine in the twenty-first, must be considered and valued within the context of cumulative historic emissions and dwindling and nearly expired carbon budgets.

State law imperfectly addresses the end-of-life phases of buildings through the California Integrated Waste Management Act of 1989 and the California Green Building Code, which requires local governments to require fifty percent of construction debris be diverted from the landfill. Senate Bill 1374 further requires annual reporting to the state on progress made in the diversion of construction related materials, including information on programs and ordinances implemented and quantitative data, where available. In 2016, of Berkeley's total waste stream, 10% was from construction and demolition materials. As discussed below, this number is now likely much higher given the recent uptick in construction.

Additional required minimum diversion rates by project type are covered under the California Green Building Code and the City's local amendments in BMC Title 19 (2019), Buildings and Construction. As a minimum, the latest State code requires 65% of non-hazardous construction and demolition (C&D) waste to be reused *or* recycled. In addition, the State also requires recycling or reuse of 100% of excavated soil and land-

<sup>2</sup> “Bringing Embodied Carbon Upfront.” World Green Building Council, 25 Jan. 2023, <https://worldgbc.org/article/bringing-embodied-carbon-upfront/>.

<sup>3</sup> “Embodied Carbon.” ICC, 11 May 2021, <https://www.iccsafe.org/advocacy/embodied-carbon/>.

Refer to the City Manager to Enhance the City's Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

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clearing debris, concrete, and asphalt. Current requirements include a "Construction Waste Management Plan" survey and requirement to provide receipts of recycled and salvaged material. City Zero Waste staff indicated that while the City tracks diversion, they currently do not enforce State requirements.

Existing laws fall short because there is no state or local requirement that requires property owners or developers to work with the City to develop an accountable plan to carefully take apart a building to maximize reusable materials, whether onsite or through a salvaging operation. In addition, recycling, an allowed alternative to reuse of demolition materials may not maximize capturing embodied carbon. For example, State law includes loopholes that allow a certain percentage of demolition materials to be 'recycled' as a cover to layers of trash in landfills.

This referral to the City Manager aims to implement best practice methods for separation, handling, and delivery of deconstruction and construction site materials to maximize the salvage of building materials for reuse, to reduce the amount of construction and demolition-related materials disposed in landfills and to establish deconstruction and source separation requirements. It also would fund an innovative nexus study to charge a possible social cost of carbon fee on construction and demolition debris to incentivize reuse and deconstruction, minimize demolition, maximize useful embodied carbon, and fund the City's ongoing green building work and services.

Other jurisdictions, such as Palo Alto and Portland, have already implemented deconstruction ordinances. To protect public health, safety and welfare, climate and natural environment, it is in the public interest to adopt this referral and budget referral.

## BACKGROUND

In 2021, the World Green Building Council warned that by 2050 "the [global] building stock is expected to double in size. Carbon emissions released before the built asset is used, referred to as 'upfront carbon', will be responsible for half of the entire carbon footprint of new construction between now and 2050, threatening to consume a large part of our remaining carbon budget."<sup>4</sup> Viewed over the next 10 years, the window scientists view as critical to limiting catastrophic warming emissions, new embodied carbon represents a significant 72% of total building sector emissions.<sup>5</sup> Much of these

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<sup>4</sup> "Bringing Embodied Carbon Upfront."

<sup>5</sup> Logan, Katharine. "Continuing Education: Embodied Carbon & Adaptive Reuse." Architectural Record RSS, Architectural Record, 25 May 2022, <https://www.architecturalrecord.com/articles/15481-continuing-education-embodied-carbon-adaptive-reuse>.

Refer to the City Manager to Enhance the City's Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

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emissions include those associated with the demolition of existing buildings and the new buildings that replace them.

*Buildings Magazine*, a trade magazine for facility managers and owners of commercial and public buildings, estimates that already an astounding 30% of all waste in the United States is construction and demolition waste. New construction is associated with an average of 3.9 pounds of waste per square foot while demolition yields an astounding 155 pounds of waste per square foot.<sup>6</sup>

When a building is haphazardly demolished to make way for new construction, not only are carbon emissions typically expended to tear it down and transport it for waste processing and disposal, but the former building, composed of many tons of carbon emissions and products arranged in a form useful to society, is rendered useless as waste, or much less useful to society as recyclable material. Instead, the builder replaces the demolished structure with new embodied carbon in constructing the new building, which generates new waste and additional emissions.

According to a 2011 study, even assuming a 30% increase in efficiency resulting from a newly constructed building, it takes 10 to 80 years for the newer and more efficiently operating building to 'break even' or offset the negative carbon impacts associated with replacing an average-performing existing building (not accounting for the "lost" carbon originally embodied in the original building).<sup>7</sup> The following figure demonstrates the number of years required in Portland and Chicago for various forms of newly constructed efficient buildings replacing demolished inefficient buildings to 'break even' with or 'overcome' the new emissions associated with new construction (note: this figure does not include embodied emissions wasted as part of the original construction):

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<sup>6</sup> Monroe, Linda. Diverting Construction Waste | Buildings.

<https://www.buildings.com/departments/article/10192921/diverting-construction-waste>; See also, Sahabi, Ali. "Structural Retrofits Reduce the Carbon Footprint (Part 2 of 3) - USGBC-La." USGBC, 25 Feb. 2023, <https://usgbc-la.org/2023/02/09/structural-retrofits-reduce-the-carbon-footprint-part-2-of-3>.

<sup>7</sup> "National Trust for Historic Places: Return to Home Page." The Greenest Building: Quantifying the Environmental Value of Building Reuse, Preservation Green Lab of the National Trust for Historic Preservation, 2011, <https://forum.savingplaces.org/connect/community-home/librarydocuments/viewdocument?DocumentKey=227592d3-53e7-4388-8a73-c2861f1070d8&CommunityKey=00000000-0000-0000-0000-000000000000&tab=librarydocuments>, p. VIII.

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**Year Of Carbon Equivalency For Existing Building Reuse Versus New Construction**

This study finds that it takes between 10 to 80 years for a new building that is 30 percent more efficient than an average-performing existing building to overcome, through efficient operations, the negative climate change impacts related to the construction process. This table illustrates the numbers of years required for new, energy efficient new buildings to overcome impacts.

| Building Type                        | Chicago  | Portland |
|--------------------------------------|----------|----------|
| Urban Village Mixed Use              | 42 years | 80 years |
| Single-Family Residential            | 38 years | 50 years |
| Commercial Office                    | 25 years | 42 years |
| Warehouse-to-Office Conversion       | 12 years | 19 years |
| Multifamily Residential              | 16 years | 20 years |
| Elementary School                    | 10 years | 16 years |
| Warehouse-to-Residential Conversion* | Never    | Never    |

\*The warehouse-to-multifamily conversion (which operates at an average level of efficiency) does not offer a climate change impact savings compared to new construction that is 30 percent more efficient. These results are driven by the amount and kind of materials used in this particular building conversion. As evidenced by the study's summary of results, as shown on page VII, the warehouse-to-residential conversion does offer a climate change advantage when energy performance for the new and existing building scenarios are assumed to be the same. This suggests that it may be especially important to retrofit warehouse buildings for improved energy performance, and that care should be taken to select materials that will maximize environmental savings.

8

Since 2011, the advent of new insulation and electrification technologies make renovating or adapting older buildings more competitive in terms of reducing existing onsite carbon emissions.<sup>9</sup> This referral takes the perspective that both the carbon avoided by reusing existing materials (as in the examples above) and the carbon used in the original construction need to be considered as impacts of C&D and be accounted for in addressing the climate emergency. In other words, existing buildings represent historic expenditures of carbon and demolition needs to be seen as both destroying the usefulness of past emissions and *contributing new emissions*.

The greenest building is the one that already exists.<sup>10</sup> The best way to avoid new carbon emissions, and to repurpose or restore the use value of existing emissions, is to

<sup>8</sup> Id.

<sup>9</sup> Id., p. 20

<sup>10</sup> Adam, Robert. “The Greenest Building Is the One That Already Exists.” *The Architects' Journal*, 13 Aug. 2021, <https://www.architectsjournal.co.uk/news/opinion/the-greenest-building-is-the-one-that-already-exists>.

Refer to the City Manager to Enhance the City's Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

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preserve and renovate existing structures. To the extent that new or additional uses are needed, e.g., converting a single-family home into a multiplex, the lowest carbon path is to maintain as much of the original structure as possible with expansions and modifications as needed. Such a strategy maintains the integrity of the historic embodied carbon, and minimizes expenditure of new carbon emissions. For example, UC Berkeley's new Engineering Center includes adaptive reuse which UC states "will significantly lower the carbon emissions of the project, including more than a 90% reduction in demolition."<sup>11</sup>

A 2021 study conducted by ECONorthwest found that "conservatively speaking, residential and commercial demolitions in the City of Portland are responsible for 124,741 metric tons of CO<sub>2</sub> emissions per year, which amounts to approximately 4.5 percent of the City's total annual [emissions] reduction goal."<sup>12</sup>

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<sup>11</sup> "Engineering Center." *Berkeley Engineering*, 2 May 2023, [engineering.berkeley.edu/about/facilities/engineering-center/](https://engineering.berkeley.edu/about/facilities/engineering-center/).

<sup>12</sup> Oregon, Restore. "Understanding the Carbon Cost of Demolition." Restore Oregon, 1 Oct. 2021, <https://restoreoregon.org/2021/04/12/understanding-the-carbon-cost-of-demolition/>.

Refer to the City Manager to Enhance the City’s Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

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## Fight Climate Change with Restoration & Reuse

Oregon’s existing buildings are among our greatest renewable resources.

### THE HIDDEN COST OF DEMOLITION & RECONSTRUCTION



**126 METRIC TONS OF CARBON**

Renovating a 1,500 SF older home, instead of tearing one down and replacing it with 3,000 SF of new construction, reduces CO2 emissions by 126 tons.



**1,383 METRIC TONS OF CARBON**

Renovating a 10,000 SF commercial building versus replacing it with a 20,000 SF structure, which uses more energy-intensive materials, reduces CO2 emissions by 1,383 tons.

### RENOVATION & REUSE PREVENT EMISSIONS



**44,048 GALLONS OF GAS**

A savings of 126 tons of embodied CO2 is roughly equivalent to preventing the emissions from 44,048 gallons of gasoline.



**464,127 GALLONS OF GAS**

The carbon savings for a commercial building is equivalent to preventing the emissions from 464,127 gallons of gasoline.

### LOOKED AT ANOTHER WAY...



**93 CARS OFF THE ROAD**

The average car uses 474 gallons of gasoline per year. Renovating just one older home, vs. demolishing/replacing it, equates to taking 93 cars off the road for an entire year.



**1,028 CARS OFF THE ROAD**

Renovating an existing commercial structure makes an even bigger impact as its renovation equates to taking 1,028 cars off the road for an entire year.

### DO THE MATH: IT REALLY ADDS UP!



From 2016-2020 in Portland, over 823 houses were demolished. That’s equivalent to annual emissions from **76,480 cars!**



Over the same five years, 376 of Portland’s commercial structures were razed. That’s equivalent to annual emissions from **386,528 cars!**

Embodied energy is all the energy used constructing a building, including the creation of materials and building components as well as their transportation of the site.

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Refer to the City Manager to Enhance the City’s Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

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### City of Berkeley’s Current Construction and Demolition Waste

A 2017 StopWaste Waste Characterization Study for Alameda County found that approximately 10% of Berkeley’s total waste tonnage in 2016 resulted from C&D debris.<sup>14</sup>

2017 Waste Characterization Study Design  
StopWaste of Alameda County, CA

SCS ENGINEERS

Exhibit 2. 2016 Annual Waste Quantities – Adjusted

| Originating Jurisdiction | MSW                                |               |                |               |                |                | C&D             |              |               | Special         |               |              |               | Unknown     | Total          |
|--------------------------|------------------------------------|---------------|----------------|---------------|----------------|----------------|-----------------|--------------|---------------|-----------------|---------------|--------------|---------------|-------------|----------------|
|                          | Davis Street TS                    | Berkeley TS   | BLT Ent TS     | Altamont LF   | Vasco Rd LF    | TOTAL          | Davis Street TS | Altamont LF  | TOTAL         | Davis Street TS | Altamont LF   | Vasco Rd LF  | TOTAL         | Vasco Rd LF |                |
| Alameda                  | 23,417                             | 36            |                |               | 344            | 23,796         | 1,283           | 135          | 1,418         |                 | 355           | 14           | 369           |             | 25,583         |
| Albany                   | 3,567                              | 364           |                |               | 2              | 3,933          | 1,023           |              | 1,023         |                 | 0             |              | 0             |             | 4,956          |
| Berkeley                 | 2,091                              | 47,014        |                | 171           | 76             | 49,352         | 5,269           | 5            | 5,274         |                 | 432           | 11           | 443           |             | 55,069         |
| Castro Valley SD         | INCLUDED IN Alameda Unincorporated |               |                |               |                |                |                 |              |               |                 |               |              |               |             |                |
| Dublin                   | 51                                 |               |                | 28,591        | 1,602          | 30,244         | 25              | 41           | 66            |                 | 97            | 60           | 158           |             | 30,468         |
| Emeryville               | 5,873                              | 166           |                |               | 16             | 6,056          | 3,051           |              | 3,051         |                 | 349           | 2            | 351           |             | 9,457          |
| Fremont                  | 417                                |               | 156,167        | 2             | 918            | 157,503        | 229             | 127          | 356           |                 | 305           | 347          | 652           |             | 158,510        |
| Hayward                  | 78,374                             | 233           | 7              | 104           | 1,341          | 80,058         | 20,320          | 190          | 20,510        | 290             | 1,915         | 264          | 2,468         |             | 103,036        |
| Livermore                | 100                                |               |                | 284           | 58,923         | 59,307         | 88              | 2,063        | 2,151         |                 | 562           | 601          | 1,163         |             | 62,621         |
| Newark                   | 69                                 |               | 28,946         | 0             | 39             | 29,054         | 34              | 2            | 36            |                 | 0             | 225          | 225           |             | 29,315         |
| Oakland                  | 148,509                            | 7,635         |                | 76            | 3,451          | 159,671        | 21,664          | 242          | 21,905        |                 | 7,430         | 434          | 7,864         |             | 189,441        |
| Oro Loma SD              | INCLUDED IN Alameda Unincorporated |               |                |               |                |                |                 |              |               |                 |               |              |               |             |                |
| Piedmont                 | 39                                 | 135           |                |               | 9              | 183            | 69              |              | 69            |                 | 17            |              | 17            |             | 269            |
| Pleasanton               | 158                                |               |                | 8             | 94,690         | 94,856         | 297             | 985          | 1,282         |                 | 203           | 403          | 606           |             | 96,744         |
| San Leandro              | 31,752                             | 213           |                | 50            | 39,003         | 71,018         | 5,513           | 10           | 5,523         | 4,231           | 375           | 389          | 4,994         |             | 81,535         |
| Unincorporated           | 25,713                             | 175           |                | 756           | 3,236          | 29,879         | 3,471           | 185          | 3,656         | 358             | 1,164         | 181          | 1,703         | 262         | 35,499         |
| Union City               | 791                                |               | 34,342         | 2             | 69             | 35,204         | 74              | 2            | 76            |                 | 399           | 2,318        | 2,717         |             | 37,998         |
| <b>Total</b>             | <b>320,920</b>                     | <b>55,971</b> | <b>219,462</b> | <b>30,043</b> | <b>203,719</b> | <b>830,114</b> | <b>62,411</b>   | <b>3,986</b> | <b>66,397</b> | <b>4,879</b>    | <b>13,602</b> | <b>5,250</b> | <b>23,731</b> | <b>262</b>  | <b>920,503</b> |

1. Removed 4,000 tons of Special Waste disposed of at Altamont Landfill from City of Alameda
2. Removed 18,800 tons of MSW disposed of at Berkeley TS from City of Berkeley
3. Removed 20,662 tons of MSW disposed of at Altamont LF from City of Newark; and removed 27,357 tons of Special Waste disposed of at Altamont LF from City of Newark

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This study predates the recent building boom associated with new local and statewide housing policies, economic developments, and COVID-19 related renovation trends. It may also not capture cross-jurisdictional disposal of waste.

A snapshot for the twelve months preceding April, 2023 suggests a substantial increase in C&D as compared to StopWaste’s 2016 study. As reported through the City’s Green Halo Systems dashboard, C&D waste was more than 18,000 tons, a staggering 244% increase from 2016 levels. Of this material, the City reported that only 567 tons were

<sup>13</sup> Id.

<sup>14</sup> “Alameda County 2017-18 Waste Characterization Study.” StopWaste - A Public Agency Reducing Waste in Alameda County, StopWaste, 5 Sept. 2018, <https://www.stopwaste.org/resource/alameda-county-2017-18-waste-characterization-study>.

<sup>15</sup> Id.

Refer to the City Manager to Enhance the City’s Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

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reused while 2,530 tons were disposed (landfill), and 15,073 recycled.<sup>16</sup> The distribution of materials within each distinct material category is not clear. The Green Halo dashboard summarizes overall C&D by category over the same period as follows:

| MATERIAL                           | IN TONS   | RATE   |
|------------------------------------|-----------|--------|
| 1 Concrete                         | 10,839.63 | 58.74% |
| 2 Mixed C & D Debris               | 4,762.22  | 25.80% |
| 3 Asphalt - Pavement & Grinding    | 661.01    | 3.58%  |
| 4 Deconstructed & Reuse Items      | 567.24    | 3.07%  |
| 5 Bricks, Masonry & Stone Products | 474.15    | 2.57%  |
| 6 Dirt/Soil-Clean Fill             | 320.97    | 1.74%  |
| 7 Metal                            | 286.43    | 1.55%  |
| 8 Waste (Trash)                    | 207.81    | 1.13%  |
| 9 Drywall - Clean/Unpainted        | 198.87    | 1.08%  |
| 10 Wood - Clean                    | 136.52    | 0.74%  |

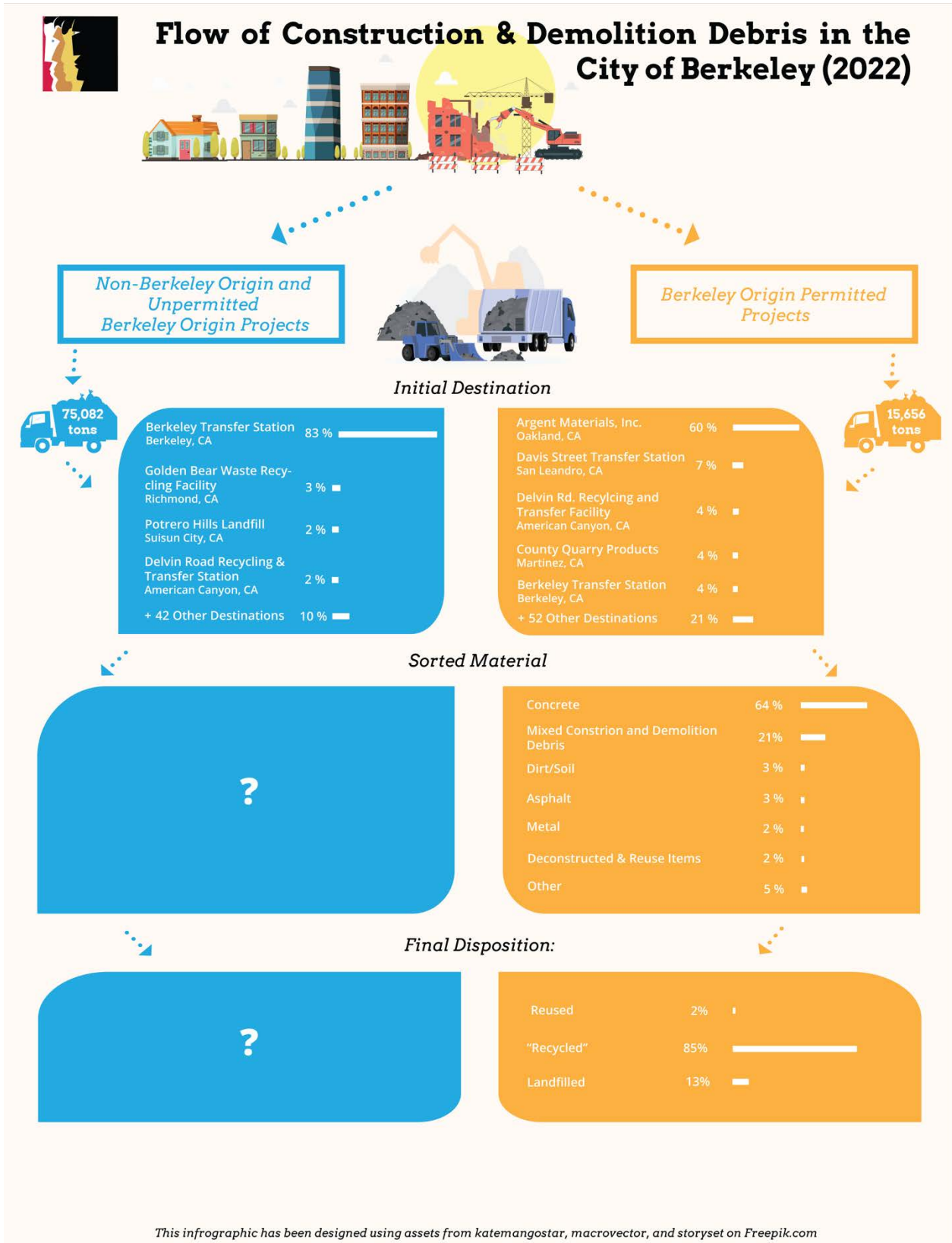
The author worked with Zero Waste staff to produce a snapshot of construction and demolition debris from Berkeley origin permitted, and non-Berkeley origin and unpermitted Berkeley origin projects for 2022:

<sup>16</sup> City of Berkeley Recycling Center, City of Berkeley, Powered by Green Halo Systems and City of Berkeley, 5 Apr. 2023, <https://berkeley.wastetracking.com/>.

<sup>17</sup> Id.

Refer to the City Manager to Enhance the City’s Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

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Refer to the City Manager to Enhance the City’s Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

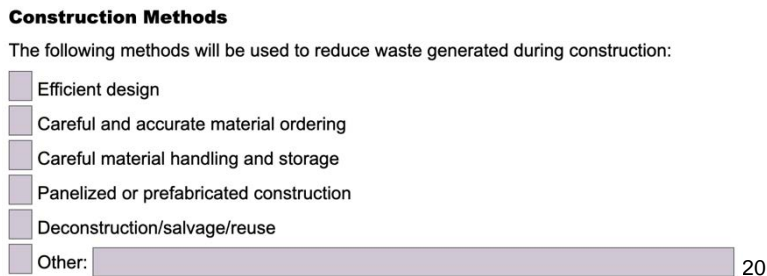
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### City of Berkeley’s Current Approach to C&D Waste

In furtherance of state law regulating C&D debris,<sup>18</sup> the Building and Safety Permit Service Center currently maintain a “Construction Waste Management Plan”<sup>19</sup> form applicable to the following projects:

1. Any non-residential projects requiring building permits.
2. Residential new buildings.
3. Residential projects that increase a building’s conditioned area, volume, or size.
4. Residential projects valued over \$100,000.
5. Demolition permits valued over \$3,000.

Projects are asked to disclose generally which methods they intend to use to reduce waste during construction:



Applicants then complete a more detailed “Construction Waste Management Plan” through the Green Halo web platform.

In addition, the form asks for information about weight tickets for disposed and recycled materials and photos of any salvaged/reused materials. This data is then uploaded and processed via the City’s Green Halo dashboard.

<sup>18</sup> A minimum of 65% of the waste generated by construction and demolition activities must be diverted away from landfill disposal through any combination of recycling, salvage, reuse or composting. 100% of asphalt, concrete, and land clearing debris must be recycled.

<sup>19</sup> Form #172 Construction Waste Management Plan - Berkeley, California. Building and Safety Permit Service Center, 19 Mar. 2021, <https://berkeleyca.gov/sites/default/files/2022-02/Waste%20Management%20Plan.pdf>.

<sup>20</sup> Id.

Refer to the City Manager to Enhance the City’s Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

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**Diversion Documentation**

Submit a Construction Waste Management Plan via Green Halo at [www.berkeley.wastetracking.com](http://www.berkeley.wastetracking.com). Prior to permit final, weight tickets for all materials disposed and recycled must be uploaded. Photos are acceptable for salvaged/reused materials.

Green Halo Tracking Number:

I understand the waste diversion requirements of Berkeley Municipal Code Section 19.37 and submit this Construction Waste Management Plan pursuant to California Green Building Standards Code Section 4.408.2 or 5.408.1.1.

Name Signature Date 21

**Referral Overview: Enforcement and Consideration of New Requirements**

Drawing inspiration from neighboring jurisdictions such as Palo Alto and Portland, the proposed referral to the City Manager moves beyond the state’s simple percentage-based diversion, recycling, and reuse requirements, and towards defining specific building components that are potentially reusable and requiring a salvage survey provided by the City, a reuse organization, or other third party approved by the City. These reporting requirements would need to be met prior to the issuance of a demolition permit. The survey is aimed at itemizing the potential materials and items eligible for salvage and reuse and the estimated weights, preparing the builder for source separation, and connecting builders directly to salvaging experts who may be able to connect the builder to organizations who can accept or purchase their material for reuse. The threshold would remain the same as in the current statute.

This approach is more proactive than state rules, which rely on the judgment of the builder, to avoid incentivizing (1) more destructive techniques of traditional demolition, and (2) recycling instead of reuse. In addition, the City now only requires the builder to self-certify that disposed material was diverted after demolition occurs (as opposed to a detailed site survey that estimates weights before demolition occurs).

The referral also requires deconstruction, which is defined as “the systematic and careful dismantling of a structure, typically in the opposite order it was constructed, in order to maximize the salvage of materials and parts for reuse and recycling.”

Upon completion of the deconstruction and source separation of materials, the applicant or person responsible for the project may be required to ensure the items listed on the salvage survey are delivered to, collected by or received by, and certified by a reuse

<sup>21</sup> Id.

Refer to the City Manager to Enhance the City's Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

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organization or other third party approved by the City, and shall submit to the City proof of delivery of salvage items in accordance with City regulations. This process creates a chain of custody of environmentally, labor, and carbon intensive resources, and incentivizes builders to prioritize designs and projects that minimize demolition in favor of adaptation.

In addition, this item includes a referral to the City Manager to conduct a nexus fee study in connection with a potential social cost of carbon fee applied to landfilled construction and demolition debris. The City Attorney's office has advised that the nexus study must be completed before the Council can consider a fee.

#### FISCAL IMPLICATIONS

Staff time will be needed to implement the referrals.

#### ENVIRONMENTAL SUSTAINABILITY

Restoring or adapting embodied carbon in buildings is significantly less carbon intensive than demolition and new construction. In instances where restoration and adaptation are not feasible, reuse of materials through deconstruction is superior to traditional demolition techniques.

#### CONTACT PERSON

Councilmember Kate Harrison, Council District 4, (510) 981-7140



Office of the City Manager

ACTION CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: LaTanya Bellow, Interim Director, Public Works  
 Subject: Street Rehabilitation Five Year Plan for Fiscal Years 2024-2028

RECOMMENDATION

Adopt a Resolution adopting the Five Year Street Rehabilitation Plan for Fiscal Years 2024-2028.

SUMMARY

*The Street Rehabilitation and Maintenance Policy* requires a *Five Year Street Rehabilitation Plan (Five Year Plan)* be adopted by City Council on a biennial basis. The existing plan is nearly complete as City Council's additional paving funding enabled more streets to be paved more quickly than planned, and some streets from the existing plan are being held over for various reasons. Staff are proposing the City Council adopt a new *Five Year Plan* so that Public Works can stay on track to pave next summer.

FISCAL IMPACTS OF RECOMMENDATION

The available funds for the *Five Year Plan* are derived from estimated available funding from the following: State Transportation (Gas) Taxes, Alameda County Transportation Sales Tax Measure BB, County Vehicle Registration Fee Measure F, Zero Waste, Storm Water, and the City of Berkeley's General Fund. These funding sources and their estimated annual amounts are listed in Table 1 below.

The proposed *Five Year Plan* includes three important new revenue sources. First, on July 26, 2022, Council adopted the policy, *Adequate General Fund Contribution for Street Maintenance to Prevent Deterioration of Pavement Condition*, which committed an additional \$8 million annually in General Funds for paving in perpetuity and adjusted the amount annually for inflation. The purpose of this policy was to prevent further deterioration of the City's streets. This new source and its annual amount (\$8M plus annual escalator) are listed in the table below as "CIP Fund/ Council Policy on Adequate Street Mtce."

Second, Council included \$1-\$2 million annually in rate revenue from the Zero Waste Fund to offset the impact of Zero Waste collection vehicles on the City's pavement. This revenue will transfer out of the Zero Waste Fund annually and into the City's annual paving project.

| Table 1: Five Year Paving Program Funding Source Allocations by Year |                   |                   |                   |                   |                   |
|----------------------------------------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Fund Description                                                     | FY 2024           | FY 2025           | FY 2026           | FY 2027           | FY 2028           |
| State Transportation Tax                                             | 495,303           | 495,303           | 495,303           | 495,303           | 495,303           |
| Road Repair and Accountability Act of 2017                           | 1,700,000         | 1,700,000         | 1,700,000         | 1,700,000         | 1,700,000         |
| Measure BB – Local Streets & Roads                                   | 2,980,000         | 2,980,000         | 2,980,000         | 2,980,000         | 2,980,000         |
| Measure F Vehicle - Registration Fee                                 | 155,000           | 155,000           | 155,000           | 155,000           | 155,000           |
| Capital Improvement (CIP) Fund                                       | 2,127,562         | 1,925,000         | 1,925,000         | 1,925,000         | 1,925,000         |
| CIP Fund/ Council Policy on Adequate Street Mtce                     | 5,996,598         | 8,937,022         | 9,205,132         | 9,481,286         | 9,765,725         |
| Zero Waste Fund                                                      | 1,000,000         | 1,000,000         | 1,000,000         | 2,000,000         | 2,000,000         |
| Storm Water Fund                                                     | 0                 | 1,125,000         | 0                 | 1,500,000         | 1,500,000         |
| <b>TOTAL</b>                                                         | <b>14,454,463</b> | <b>18,317,325</b> | <b>17,460,435</b> | <b>19,236,589</b> | <b>20,521,028</b> |

Third, the funding sources include the “Storm Water Fund” given the new Municipal Regional Permit (MRP) will require additional green infrastructure as described below.

### CURRENT SITUATION AND ITS EFFECTS

The Council adopted a *Street Rehabilitation and Maintenance Policy* (Street Maintenance Policy), Resolution No. 70,204-N.S., on January 25, 2022. The policy requires a *Five Year Plan* be adopted by Council biennially in line with the City’s budgeting process, and that it do so after the advice of the Transportation and Infrastructure Commission (TIC). When Council adopted the Policy, it also adopted the first three years of a *Five Year Plan, Equity Alternative* (FY 22-25 Plan).

It is important that a new *Five Year Plan* be approved soon. With approval, Public Works will be on track to design, bid, and award the construction contract to pave FY 2024 streets in the summer of 2024 despite the Engineering Division’s 20%+ vacancy rate. Given this vacancy rate’s effect on staff capacity, any delay in Council’s approval of this plan might risk either the FY 2024 annual paving project not proceeding or the project’s substantial delay. Approval of the proposed *Five Year Plan* also ensures proper coordination with utilities and related projects, and delivers on the commitment to longer planning horizons made in the *Street Maintenance Policy* and *Vision 2050 Framework*. If future changes are needed in the adopted *Five Year Plan*, those changes would be made in September – December 2025 as the next *Five Year Plan* is being developed and adopted.



FY 2022-2025 Plan and Held Over Segments

On January 25, 2022, Council adopted the *Five Year Plan, Equity Alternative*. On June 28, 2022, Council adopted a budget that increased baseline paving funding from the General Fund by \$5.1M in FY 2023 and \$9.0M in FY 2024. These were historic and unprecedented investments in paving from the General Fund. Given the additional General Funds and staff’s ability to advance street segments from FY 2024 and FY 2025 to earlier years, Public Works will have paved all the segments of the current plan by the end of this current paving project albeit with some important exceptions. Several segments of the existing plan are being held over. Some segments had to be held over due to utility conflicts with EBMUD. The segment on Telegraph between Dwight and Bancroft was split into a different project and is awaiting funding for the design phase so is not ready to enter construction. In addition, the Hopkins project is on hold per the City Manager’s April 5, 2023 off agenda memo. These held over segments are listed at page 1 of Attachment 1, Proposed *Five Year Plan*, and staff are committed to ensuring these held over segments are completed as soon as possible and ideally no later than this five year period.

Each of the holdover segments are in different budget situations. The segments due to utility conflicts either have sufficient funding or can be funded out of the proposed utility coordination line discussed below. Staff are attempting to complete the segment on Woodmont from Rosemont to Woodmont Court in the current paving contract. If existing funds are not found for the Vistamont segments, these segments would be completed in the next summer or two using the utility coordination funds in the proposed *Five Year Plan*. The Telegraph Avenue segment between Dwight and Bancroft has no design or construction funding. This segment has been the subject of an unsuccessful 2022 federal earmark request for design funding. The Hopkins Project’s budget has changed significantly in the last few months. On June 13, Council removed \$2,800,000 in budget from the Hopkins project in order to close the Measure T1 funding gap, and removed another \$900,000 from the project’s budget in its adoption of the FY 2024 budget. Given these reductions, staff are aiming to find available funds in the amount of \$2-2.5M to increase the current Hopkins project’s budget to ~\$8 million, which would be roughly equal to the amount of funds to complete this project’s paving elements. However, the segment of Hopkins between Gilman and Sutter would trigger green infrastructure requirements and would require an additional \$500,000-\$775,000.

| <i>Fiscal Year</i>        | <i>Centerline Miles Paved</i> |
|---------------------------|-------------------------------|
| 2019 (includes 2018)      | 5.3 (avg 2.15 annually)       |
| 2020                      | 2.6                           |
| 2021                      | 1.9                           |
| 2022                      | 2.6                           |
| 2023 (includes Southside) | 7                             |

This table shows a dramatic increase in centerline miles paved in FY 2023, nearly 2-3 times the annual rate for the preceding four years. The increase in FY 2023 miles paved explains why the FY 2022-2025 plan is nearly complete early, all of which was enabled by Council's increase to baseline paving funding.

#### Developing the proposed *Five Year Plan* (FY 2024-2028)

The proposed plan was developed in the following way. Staff began with years 4 and 5 of the existing *Five Year Plan*. Staff then looked at the arterial alternative that was part of the discussion in the last approved plan, and incorporated the segments from that arterial alternative in this proposed plan. Then staff fed funding assumptions into the City's Streetsaver program. This program, based on the street's condition, its point in its lifecycle, and the costs and effects of various treatments, strives to maximize the impact of every paving dollar invested so the dollar is stretched for the biggest impact. After Streetsaver's proposed list of streets, staff run that list against utility conflicts, including sewer, water, electrical, telecom, or undergrounding. Then staff adjust the list in order to meet the various goals of the *Street Maintenance Policy*.

#### Proposed *Five Year Plan* (FY 2024-2028): Utility Coordination, Green Infrastructure, Daylighting

This plan incorporates new features that significantly advance the City's efforts in utility coordination, green infrastructure deployment, and intersection daylighting.

First, the proposed plan includes funding reserves for use in coordinating with utility work, such as that performed by EBMUD and PG&E ("Utility Coordination" on the proposed Plan). These funds would be used to address the pavement in areas, not necessarily in the Plan, where the utilities are constructing large underground utility projects. In this way the utilities would be contributing funds that would have been used to pave their utility trench and the City would contribute funds to pave the remainder of the street width. Typically, the utilities are resurfacing a 4 foot wide strip above their utility trench (per City standard trench resurfacing detail) leaving the rest of the street in its original condition.

If Council adopts the plan, staff would work with the utility companies, where appropriate, to maximize pavement funds through cooperation. Depending on the situation, this could be accomplished in the following three ways:

- Enter into reimbursement agreements with the utilities, on a case by case basis, whereby the City would perform the utilities' trench resurfacing while paving the full width of the pavement. In this case, the utility would reimburse the City.
- Enter into reimbursement agreements with the utilities, on a case by case basis, whereby the utility would perform the utilities' trench resurfacing while paving the full width of the pavement. In this case, the City would reimburse the utility.
- The City and the utility contract separately with the same contractor to pave the section of street for which each is responsible to construct. This would be similar to the way the City of Oakland cooperates with EBMUD.

This change advances the Street Maintenance Policy's focus on *Dig Once*, and it responds to a frequent complaint from residents that streets should be fully paved once utility work is complete. Future utility coordination may include the City recouping funds from the utilities to address the damage to paving caused by the utilities' trucks operation on City streets, as the City is currently doing with its own Zero Waste collection vehicles.

Second, the City's Municipal Regional Permit (MRP) requires as of July 1, 2023 that pavement reconstruction over one acre will require the installation of green infrastructure sufficient to treat that acreage. Staff estimate this cost to be approximately \$750,000 per acre. This requirement is only triggered by "reconstructed" segments, i.e., where the paving project will touch the base of the roadway rather than merely resurface the roadway. Many cities, including Berkeley, are finding implementation of this rule challenging. Yet Public Works has identified the segments believed to be subject to this rule, as noted in the *Treatment* column of the plan as "Reconstruct." The plan further proposes that the Storm Water Fund contribute up to a cap of \$1.5 million in any individual year toward the costs of such treatments with the remainder contributed from the paving funds. These costs are included as a line item "MRP Requirements" on the proposed Plan.

The MRP requirements are beneficial to the City's goal to add green infrastructure and detrimental to City's goal to reach good, safe streets, given already insufficient funds for paving now will be diverted into green infrastructure. Public Works is exploring whether signature green infrastructure projects that treat large areas may better meet the City's green infrastructure and paving goals, and reduce the tradeoffs given limited funding. For example, staff is working with the Regional Water Quality Control Board (RWQCB) to determine what large signature projects (and the methods employed within those projects) may enable the City to determine an area within which paving is occurring as already treated. Overall, the City has treated 29 acres in the right of way through green infrastructure and has a total of 41 green infrastructure installations.

Third, staff are not in this action seeking approval on a new daylighting intersection policy, but instead will return to Council in early 2024 with a draft daylighting intersection policy that implements daylighting as paving occurs. On February 28, 2023, Council unanimously adopted a referral to the City Manager to develop a comprehensive intersection daylighting policy. On April 25, 2023, Council prioritized this as their highest ranked new, unstarted referral. Given the priority and consistency with the City's existing plans, staff will seek the Transportation and Infrastructure Commission's input on the draft policy in November and return to Council for approval in early 2024. The draft policy will likely include that any street in the *5 Year Paving Plan* "shall be" daylighted within 20 feet of the intersection, meaning the addition of red curb and/or removal of parking, to improve all users' safety on the street. Staff had been considering focusing on arterials and collectors at first, but the new state law, AB 413, requires daylighting within 20 feet of any marked or unmarked crosswalk. Most intersections in Berkeley will be subject to this law.

Given the new state law’s reach, daylighting and its associated red curbing in all paved segments will both improve safety for all users of these streets, and assist parkers in properly complying with the new state law and avoiding parking tickets.

The Proposed *Five Year Plan* and Its Compliance with the *Street Maintenance Policy*

A map of the *5 Year Plan* is included as Attachment 2. The map shows each street segment, color coded by year proposed for paving, and includes both Council district boundaries and Equity Zone boundaries.

The *5 Year Plan* complies with the *Street Maintenance Policy* in the following ways:

- Advances the Dig Once approach
- Advances the Green Infrastructure Plan
- Consistent with Vision 2050 in moving toward long-term planning and focusing on maintenance
- Incorporates new funding sources from impacts of heavy vehicles
- Shows percent of overall funding dedicated arterials, collectors, bus routes, existing and proposed low-street bikeway network, equity zone, and residential streets
- Shows how funding is prioritized to meetings the policy’s goals, including:
  - prioritizes funding for arterials, treating 23% of miles even though arterials comprise 10% of City streets and, per our adopted Vision Zero Action Plan, where severe injuries and fatal traffic crashes are more likely to occur;
  - prioritizes funding for collectors, treating 29% of miles even though collectors comprise 17% of City streets, and, per our adopted Vision Zero Action Plan, where severe injuries and fatal traffic crashes are more likely to occur;
  - prioritizes funding for bikeways, treating 50% of miles even though bikeways comprise 30% of City streets; and
  - prioritizes funding for the Equity Zone, treating 32% of miles even though streets in the Equity Zone comprise 21% of City streets

In addition, the Plan also advances the purpose of Council’s *Adequate General Fund Contribution for Street Maintenance to Prevent Deterioration of Pavement Condition* policy. The policy’s purpose is to prevent further deterioration of the City’s streets. While Berkeley’s streets deterioration has occurred steadily over decades, this proposed plan maintains the citywide PCI in the mid 50’s.

Below are the projected PCI’s for these categories of streets.

| <b>Table 3: PCI Projections</b> | Current PCI | PCI after Five Year Plan is Complete |
|---------------------------------|-------------|--------------------------------------|
| Citywide                        | 55          | 57                                   |

|             |      |      |
|-------------|------|------|
| Arterials   | 58.7 | 55.1 |
| Collectors  | 64.4 | 64.0 |
| Bikeways    | 63.7 | 65.5 |
| Bus Route   | 63   | 62   |
| Equity Zone | 53.2 | 65.5 |

The PCI projections for these categories have not been updated to reflect changes made to the Plan since reporting to the TIC (and reported below). In addition, these PCI projections for subcategories under project the PCI at end of plan as they do not include the Plan's significant investment in paving via new utility coordination.

The *Five Year Plan* does not achieve the *Street Maintenance Policy's* goal of good, safe streets. As defined by the Metropolitan Transportation Commission, "good" street condition is a PCI of 70 or above. Per the PCI projections above, neither the citywide network nor any of the subcategories of streets attain "good" street condition in the next five years. But the citywide PCI improves slightly, which is a first in many years; the PCIs for the equity zone and bike network do improve; and funding for arterials and collectors is at or near double the proportion of those streets to the overall street network. More funding is the only means by which the policy's goal of good condition be attained and more progress be shown in the specific street categories.

#### Transportation and Infrastructure Commission's Advice on the *Five Year Plan* and Changes to Staff's Proposed Plan

At the September 21, 2023 Transportation and Infrastructure Commission (TIC) meeting, the following recommendation to City Council was adopted:

It was Moved / Seconded (Hedlund/Blackaby) to recommend that Council approve the *Five Year Plan* presented by City staff, with the following recommendations:

- Add Milvia from Hearst to Rose St., as a critical section of the bike boulevard network
- Create a "contingency list" to be ready if there are ever unused contingency funds available.
- Add these two segments to that contingency list:
  - o Camelia St from 4th St to 6th St
  - o Heinz to Pardee

Ayes: Blackaby, Ghosh, Fixler, Hedlund, Lutzker, Parolek; Noes: Nesbitt; Abstain: None; Absent: Raffanti, Walton (left meeting at 8:11pm); Recused: None

Staff reviewed all three of the TIC's proposed additions. Paving of Milvia from Hearst to Rose (PIC between 24 and 31) and 9th Street from Heinz to Pardee (PCI of 24) both would be consistent with the City's adopted plans and *Street Maintenance Policy*. Camelia Street from 4<sup>th</sup> to 6<sup>th</sup> Street (PCI of 46) would be consistent with the City's adopted plans as it would provide a low stress connection between the Gilman Interchange project's bicycle improvements and the existing bicycle boulevard connection

at Camelia and 8<sup>th</sup> Street. (Camelia between 8<sup>th</sup> and San Pablo is already a bicycle boulevard and included for paving in the proposed *5 Year Plan*.) The inclusion of these three segments would be beneficial, however the existing plan does not have sufficient money to pay for these additions. Staff have included a clause in this item's resolution by which Council grants staff the authority to pave these street segments if either Council allocates additional funding for them, sufficient contingency remains on the City's annual paving project, or grant funding frees up existing funds to pave one or more of these segments. If funding does not become available for these street segments, then staff will incorporate these segments in the development and adoption of the *5 Year Plan* returning to Council in September to November 2025.

In addition, staff have updated the list of held over segments to include Telegraph between Bancroft and Dwight. This segment was on the existing *5 Year Plan* as part of the bundle of streets for the Southside Complete Streets Project, but was separated from the project by Council on February 22, 2022, to explore limits on private automobiles on this segment.

Staff added Keeler (from Marin to Poppy) and deleted Wildcat from Spiral to East City Limit. Staff added Shattuck between Vine and Hearst and deleted McKinley. The funding for these added segments is offset by the savings from the corresponding subtracted segment.

#### Performance Measures

The *Street Maintenance Policy* requires the use of performance measures. Beside the reports on PCI above, Public Works updates its annual performance measures here: <https://berkeleyca.gov/your-government/about-us/departments/public-works> (scroll down and press *Performance and Work Measures Report*). These measures are not limited to the condition of paving surface. They include our progress on implementing green infrastructure and measures important for all users of the street, e.g., the sidewalk repair backlog, percent of commute trips by solo vehicle occupant, miles of bicycle infrastructure, history of lane miles paved, and electrification of the City's fleet.

#### Use of New Technologies

The *Street Maintenance Policy* suggests review of whether new technology "may provide enhanced durability, lower cost, and more environmentally beneficial impacts." Staff will incorporate proven and cost-effective methods of pavement preservation, some that have never been used in the City, into the light maintenance streets. This potentially includes fiber seal, rubberized cape seal with micro-surfacing, and traditional rubberized cape seals. These methods are traditionally installed by specialized sub-contractors to the City's larger paving projects, and staff are considering a separate procurement intended to save costs by reducing sub-contractors' markup.

#### Pavement Condition, Vision 2050, and Asset Management

The City has 214 miles of streets with a total replacement value of over \$790 million. Our Pavement Condition Index (PCI) is in the mid-50s, which means that the condition of our streets is very much “at risk.” Total deferred maintenance in the City’s streets is in excess of \$250 million. Many of the City’s streets have been neglected for so long that they are at the very expensive end of the life-cycle cost curve, as shown in Table 4 below. Without a significant infusion of more new revenue into street maintenance, street improvements will only become more expensive.

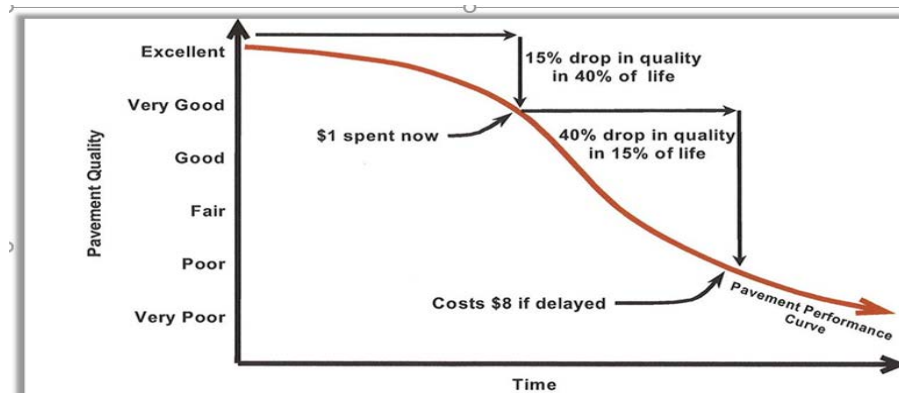
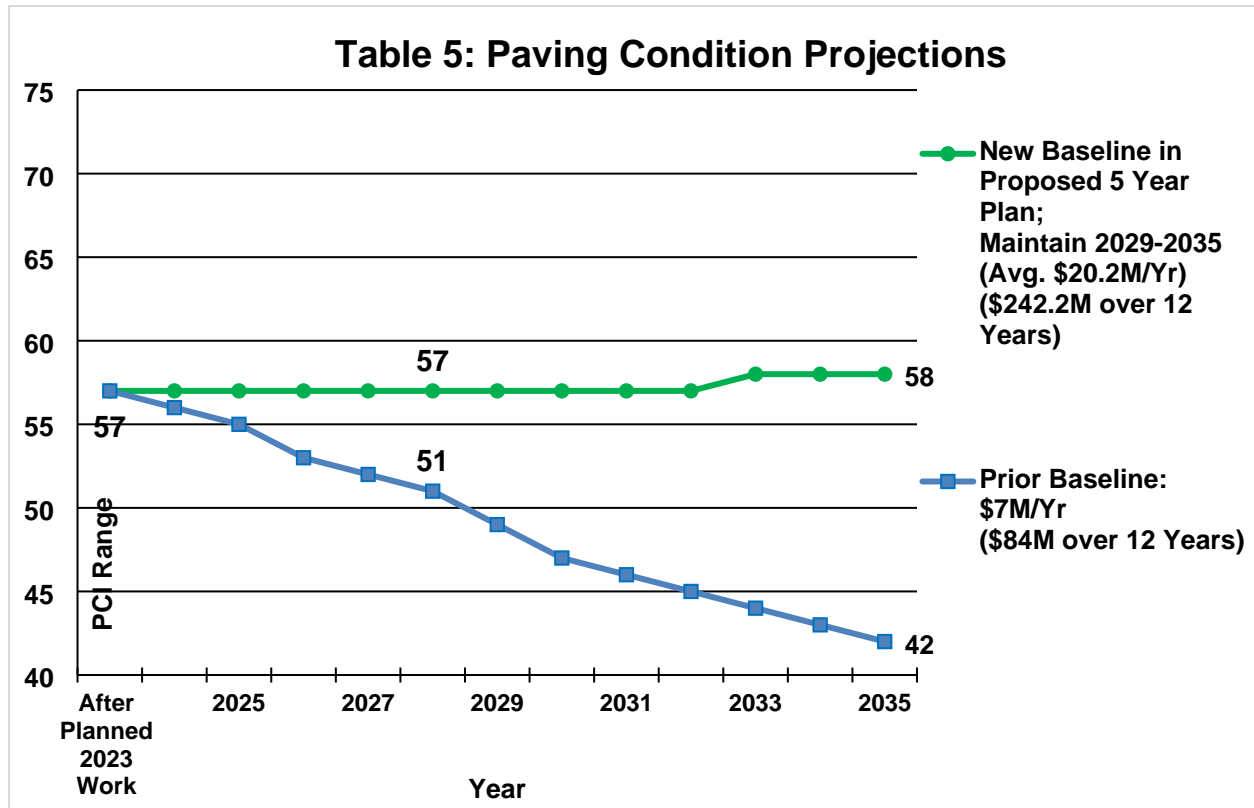


Table 4: Pavement Deterioration and Life Cycle Costs

Table 5 below shows the pavement condition index (PCI) projections under the draft 5 Year Plan, or new baseline, and prior plan, or prior baseline. This table shows the impact of Council’s approval of new revenue for paving. Under the prior baseline reflected by the blue line, the citywide PCI at the end of the plan would be 51, a decline of 5 points, and 42 by 2035.

The green line shows the PCI projection based on the proposed plan’s investments. The PCI will be 57 at the plan’s end and 58 by 2035.

Each of these scenarios also has an effect on the deferred maintenance in our pavement (some refer to this as a paving backlog). The prior baseline (blue line) results in projected deferred maintenance of \$545 million by 2035. The new baseline (green) reduces deferred maintenance to \$267 million by 2035. This shows that Council’s increased investments in paving over this time period reduce the deferred maintenance in paving by \$278 million.



Staff continue to review the information and assumptions in Table 5, so future versions of this chart may reflect more accurate and improved estimates.

After the Council adoption of this proposed *Five Year Plan*, the Engineering and Transportation Divisions will coordinate to identify specific transportation improvements from Council’s adopted plans that could be incorporated into the approved street repair projects. Where necessary, the Transportation Division’s Planning Unit may lead additional public engagement, design, environmental clearance processes, and/or potentially identify supplemental sources of funding for the transportation improvements.

Adoption of a *Five Year Paving Plan* advances the City’s Strategic Plan Priority goals to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities and to create a resilient, safe, connected, and prepared city.

**BACKGROUND**

The current state of Berkeley’s streets continues to be unacceptable. More information can be found in the City Auditor’s November 19, 2020 report, *Rocky Road: Berkeley Streets at Risk and Significantly Underfunded*. In addition, Public Works provides a biennial *Pavement Management Program Update*, which provides a description of pavement maintenance treatments, condition data by street segment, and funding scenarios to address deferred street maintenance. The *Update* is available at:



<https://berkeleyca.gov/city-services/streets-sidewalks-sewers-and-utilities/street-repair>.

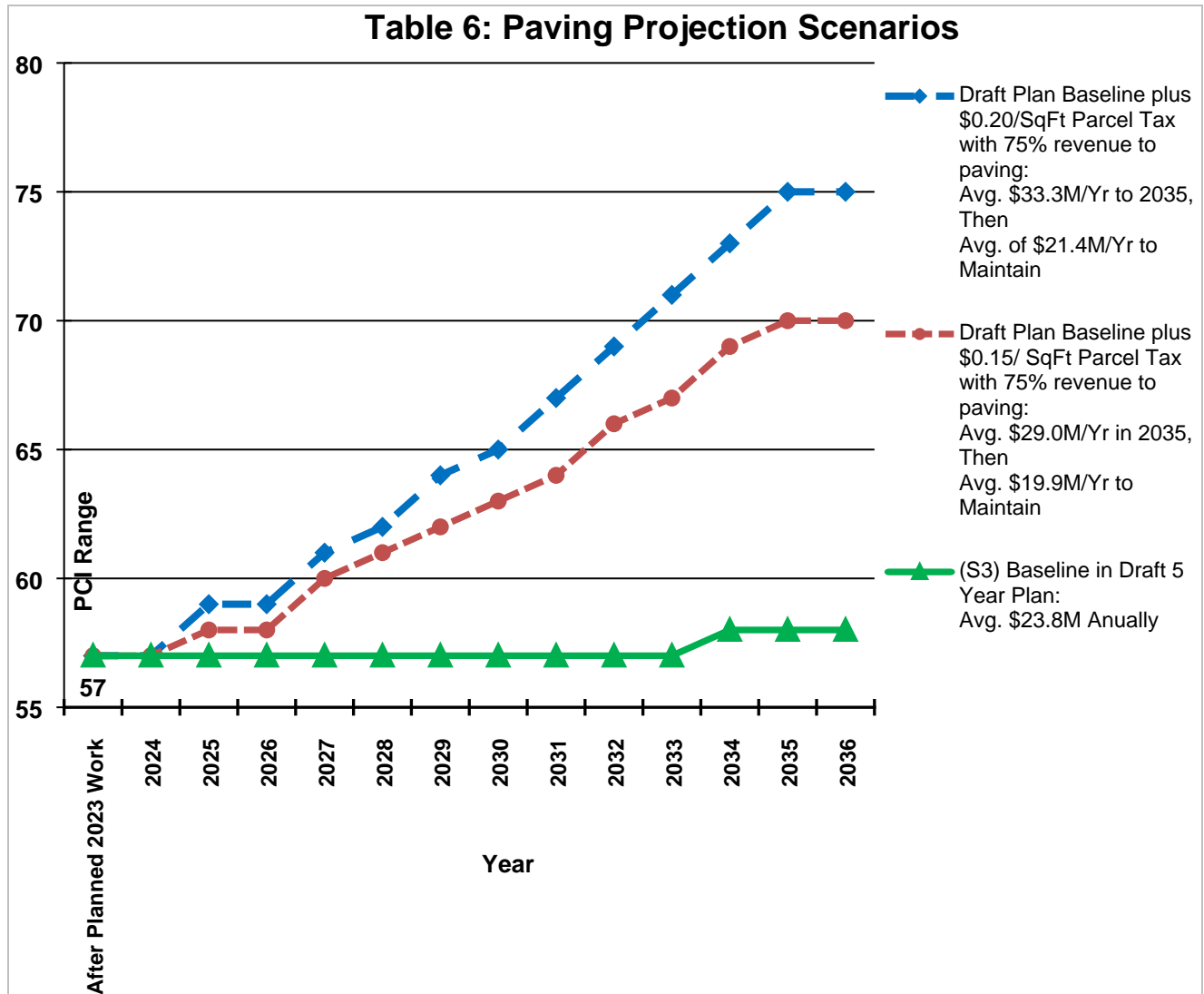
This *Update* is responsive to the *Street Maintenance Policy*'s requests for "the level of funding and activities needed to expand roadway improvements to achieve the stated goals of this policy."

By a large majority, voters approved Measure R in 2018, which proposed to develop "a 30-year plan to identify and guide implementation of climate-smart, technologically advanced, integrated, and efficient infrastructure to support a safe, vibrant and resilient future for Berkeley." A group of community volunteers drafted a *Vision 2050 Framework*, approved by Council in September 2020, and one of the recommendations of that Framework was development of a *Strategic Asset Management Plan*, which was developed and accepted by Council along with an adopted *Asset Management Policy*. That plan and policy prioritized ensuring our public assets are inventoried, condition assessed, and the use of asset management software. The street network is inventoried, has routine condition assessments, and uses asset management software.

The *Street Maintenance Policy* and *Vision 2050 Framework* both encourage integrated planning. Public Works implementation of *Five Year Plans* has and will continue to include integrated features such as American with Disabilities Act curb ramps, high visibility crosswalks, pervious concrete, speed humps, diverters, pedestrian refuges, traffic circles, and where technically and financially feasible, improvements recommended by the City's adopted Pedestrian and Bicycle Plans. One of the challenges in implementing these plans' elements is the required public processes. Should Council approve the full *5 Year Plan*, staff have enough lead time to build much more of the pedestrian and bicycle plan improvements into the annual paving plan.

The draft *Vision 2050 Program Plan*'s first outcome is: *Streets are Safer, More Sustainable, Improved to Good Condition, and Maintained*. Street condition ranked as the City's highest infrastructure need in an October 2021 scientific survey and April 2022 scientific survey, meetings with 25+ commissions and community organizations, and staff's technical review. After overlaying this input with resiliency and sustainability criteria, the *Vision 2050 Program Plan* ranked streets, bicycle and pedestrian projects, and sidewalks as top priorities. In the October 2021 scientific survey, 73% of Berkeley residents ranked repairing deteriorating streets as either extremely or very important.

In addition, at least two community groups are considering street-related, citizens-led initiatives for the November 2024 ballot. These groups have requested Public Works to generate PCI projections based on two different tax amounts. Table 6 shows those projections.



**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

Streets in good condition are lower stress and improve safety for those who bike, walk, or use public transit, thus are important for promoting non-automobile trips and lowering greenhouse gas emissions consistent with the City’s 2009 Climate Action Plan and Climate Emergency Declaration. The majority of pavement material that is removed from streets will be returned to the material supplier for processing and recycling for use as aggregate base or pavement aggregate.

**RATIONALE FOR RECOMMENDATION**

The proposed *Plan* complies with, and advances the priorities within, the City’s adopted *Street Maintenance Policy*, introduces more intersection daylighting and green infrastructure, and for the first time in many years, maintains the City’s paving condition over the course of the planning period.

ALTERNATIVE ACTIONS CONSIDERED

Staff did not consider alternative actions as the Council is required to update the *Five-Year Plan* per the Policy. If no plan is approved, Public Works will have no streets to design for summer 2024 and no paving will occur. If only a portion of the years are approved, then that will conflict with the priorities in the *Street Maintenance Policy* and *Vision 2050 Framework*, which both urge long term planning, and fewer traffic safety improvements will be implemented through the annual paving project because staff will not be able to plan and conduct the necessary public process.

CONTACT PERSON

LaTanya Bellow, Public Works Interim Director, 510-981-7000

Ronald Nevels, Manager of Engineering, Public Works, 510-981-6439

Attachments:

1. Resolution  
Exhibit A: Proposed Five-Year Street Rehabilitation Plan for FY 2024 to FY 2028  
Exhibit B: Proposed Five-Year Street Rehabilitation Plan Map

RESOLUTION NO. ##,###-N.S.

ADOPTION OF THE FIVE-YEAR STREET REHABILITATION PLAN  
FOR FY 2024 TO FY 2028

WHEREAS, the Street Rehabilitation Policy, Resolution No. 70,204-N.S. approved on January 25, 2022, requires a Five Year Street Rehabilitation Plan for the entire City be adopted by Council on a biennial basis; and

WHEREAS, the previously adopted plan included the list of streets in the first three years of the proposed Five Year Plan (FY 2023, FY 2024, and FY 2025); and

WHEREAS, the adopted list of streets is either complete because City Council provided additional paving funding leading to streets being paved earlier than planned or due to some street segments being held over; and

WHEREAS, the *Five Year Street Rehabilitation Plan* is required to be reviewed and updated by the City Council, with advice from the Transportation and Infrastructure Commission; and

WHEREAS, the Transportation and Infrastructure Commission (TIC) reviewed and advised on the Five Year Street Rehabilitation Plan at its September 21, 2023 meeting; and

WHEREAS, Public Works will make its best effort to complete the full paving plan within the five year period and may reorder timing of approved pavement segments for operational reasons; and

WHEREAS, the TIC recommended finding funding to first pave Milvia from Hearst to Rose and then secondarily 9th Street from Heinz to Pardee and Camelia Street from 4th to 6th Street; and

WHEREAS, by approving this *Five Year Plan*, City Council is also granting staff the authority to pave the TIC recommended segments either if Council allocates additional money for these segments, there is sufficient contingency remaining on the City's annual paving projects, or grant funds free up the money to complete any one or more of these segments.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the *Five Year Street Rehabilitation Plan* for FY 2024 to FY 2028, attached here as Exhibit A with a full map of the Plan as Exhibit B, is adopted.

November 28, 2023

**Exhibits**

A: Proposed Five-Year Street Rehabilitation Plan for FY 2024 to FY 2028

B: Proposed Five-Year Street Rehabilitation Plan Map

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2024 TO FY 2028

Revised: 10/31/2023

| Fiscal Year    | Street Name       | From                          | To                          | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Reqt | District | Equity Zone | P         | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|----------------|-------------------|-------------------------------|-----------------------------|-------|------------------------------|--------------------|----------|----------|-------------|-----------|---------|-------------|---------------|----------------------------|
| 2023* Holdover | CRESTON RD        | GRIZZLY PEAK BLVD (N)         | SUNSET LANE                 | R     | Heavy Rehab                  | \$ 373,511         |          | 6        | N           | N         | 0.36    | 53          | 6/1/1995      | RECONSTRUCT STRUCTURE      |
| 2023* Holdover | GRIZZLY PEAK BLVD | NORTH CITY LIMIT (SPRUCE      | EUCLID AVE                  | C     | Heavy Rehab                  | \$ 412,165         |          | 6        | N           | 3C        | 0.20    | 23          | 11/1/1990     | MILL AND THICK OVERLAY     |
| 2023* Holdover | GRIZZLY PEAK BLVD | EUCLID AVE                    | KEELER AVE                  | C     | Heavy Rehab                  | \$ 332,491         |          | 6        | N           | 3E, C     | 0.21    | 19          | 11/1/1990     | MILL AND THICK OVERLAY     |
| 2023* Holdover | GRIZZLY PEAK BLVD | KEELER AVE                    | MARIN AVE                   | C     | Heavy Rehab                  | \$ 455,344         |          | 6        | N           | 3C*, C    | 0.27    | 19          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2023 Holdover  | HOPKINS ST        | SAN PABLO AVE                 | STANNAGE AVE                | R     | Reconstruct                  | see total below    | Y        | 1        | N           | 4*        | 0.09    | 52          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023 Holdover  | HOPKINS ST        | STANNAGE AVE                  | NORTHSIDE AVE               | R     | Heavy Rehab                  | see total below    |          | 1        | N           | 4*        | 0.17    | 63          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023 Holdover  | HOPKINS ST        | NORTHSIDE AVE                 | PERALTA AVE                 | R     | Heavy Rehab                  | see total below    |          | 1        | N           | 4*        | 0.10    | 70          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023 Holdover  | HOPKINS ST        | PERALTA AVE                   | GILMAN ST                   | R     | Heavy Rehab                  | see total below    |          | 1        | N           | 4*        | 0.27    | 47          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023 Holdover  | HOPKINS ST        | GILMAN ST                     | SACRAMENTO ST               | R     | Reconstruct                  | see total below    | Y        | 1        | N           | 4*, C     | 0.10    | 23          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023 Holdover  | HOPKINS ST        | SACRAMENTO ST                 | HOPKINS CT                  | A     | Reconstruct                  | see total below    | Y        | 15       | N           | 4*, C, VZ | 0.04    | 45          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023 Holdover  | HOPKINS ST        | HOPKINS CT                    | MONTEREY AVE                | C     | Reconstruct                  | see total below    | Y        | 5        | N           | 4*, C, VZ | 0.05    | 41          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023 Holdover  | HOPKINS ST        | MONTEREY AVE                  | MC GEE AVE                  | C     | Reconstruct                  | see total below    | Y        | 5        | N           | 4*, C     | 0.05    | 42          | 12/1/1989     | RECONSTRUCT STRUCTURE (AC) |
| 2023 Holdover  | HOPKINS ST        | MC GEE AVE                    | CARLOTTA AVE                | C     | Reconstruct                  | see total below    | Y        | 5        | N           | 4*, C     | 0.06    | 45          | 12/1/1989     | RECONSTRUCT STRUCTURE (AC) |
| 2023 Holdover  | HOPKINS ST        | CARLOTTA AVE                  | JOSEPHINE ST                | C     | Reconstruct                  | see total below    | Y        | 5        | N           | 4*, C     | 0.35    | 40          | 12/1/1989     | MILL AND OVERLAY           |
| 2023 Holdover  | HOPKINS ST        | JOSEPHINE ST                  | THE ALAMEDA                 | C     | Reconstruct                  | see total below    | Y        | 5        | N           | 4*, C     | 0.06    | 44          | 7/1/1991      | RECONSTRUCT STRUCTURE      |
| 2023 Holdover  | HOPKINS ST        | THE ALAMEDA                   | SUTTER ST                   | C     | Reconstruct                  | \$ 6,400,000       | Y        | 5        | N           | 4*        | 0.26    | 26          | 7/1/1991      | MILL AND THICK OVERLAY     |
| 2023* Holdover | ROSEMONT AVE      | CRESTON RD                    | VISTAMONT AVE               | R     | Heavy Rehab                  | \$ 115,200         |          | 6        | N           | N         | 0.10    | 37          | 10/20/2000    | MILL AND OVERLAY           |
| Holdover       | TELEGRAPH AVE     | BANCROFT WAY                  | DWIGHT WAY                  | C     | Heavy Rehab                  | \$ 467,840         |          | 7        | N           | 4*,C,VZ   | 0.25    | 38          | 7/1/1988      | MILL AND OVERLAY W/FABRIC  |
| 2023* Holdover | VISTAMONT AVE     | WOODMONT AVE                  | SOUTH END                   | R     | Heavy Rehab                  | \$ 262,044         |          | 6        | N           | N         | 0.25    | 39          | N/A           |                            |
| 2023* Holdover | VISTAMONT AVE     | NORTH END                     | WOODMONT AVE NEAR SUNSET LN | R     | Reconstruct                  | \$ 220,489         |          | 6        | N           | N         | 0.10    | 9           | N/A           |                            |
| 2023* Holdover | WOODMONT AVE      | WILDCAT CANYON & WOODMONT AVE | ROSEMONT AVE                | R     | Reconstruct                  | \$ 428,222         |          | 6        | N           | N         | 0.22    | 22          | N/A           |                            |
| 2023* Holdover | WOODMONT AVE      | ROSEMONT AVE                  | SUNSET LANE                 | R     | Light Rehab                  | \$ 196,444         |          | 6        | N           | N         | 0.32    | 54          | 10/20/2000    | THICK OVERLAY              |
| 2023* Holdover | WOODMONT CT       | WOODMONT AVE (NORTH)          | WOODMONT AVE (SOUTH)        | R     | Heavy Rehab                  | \$ 58,267          |          | 6        | N           | N         | 0.05    | 36          | N/A           |                            |
|                | CONTINGENCY       |                               |                             |       |                              | \$ 332,202         |          |          |             |           |         |             |               |                            |
|                | MRP REQUIREMENTS  |                               |                             |       |                              | \$ 4,125,000       |          |          |             |           |         |             |               |                            |
|                | TOTAL             |                               |                             |       |                              | \$ 14,179,220      |          |          |             |           | 3.96    |             |               |                            |

Telegraph Total \$ 467,840  
Hopkins Total \$ 10,525,000  
Woodmont Cluster Total \$ 3,186,380

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

Proposed bike facilities from 2017 Bike Plan.

Draft 5-Year Street Rehabilitation Plan FY 2024-2028\_v18.xlsx

5-YEAR STREET REHABILITATION PLAN FOR FY 2024 TO FY 2028

Revised: 10/31/2023

| Fiscal Year | Street Name          | From          | To             | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Reqt | District                                   | Equity Zone | P     | Mileage | Current PCI | Last M&R Date | Last Paved                |
|-------------|----------------------|---------------|----------------|-------|------------------------------|--------------------|----------|--------------------------------------------|-------------|-------|---------|-------------|---------------|---------------------------|
| 2024        | 7TH ST               | HARRISON ST   | CAMELIA ST     | R     | Heavy Rehab                  | \$ 420,000         |          | 1                                          | Y           | N     | 0.26    | 19          | N/A           |                           |
| 2024        | 7TH ST               | CAMELIA ST    | VIRGINIA ST    | R     | Heavy Rehab                  | \$ 674,400         |          | 1                                          | Y           | N     | 0.38    | 35          | 4/1/2001      | MILL AND OVERLAY W/FABRIC |
| 2024        | 7TH ST               | VIRGINIA ST   | UNIVERSITY     | R     | Heavy Rehab                  | \$ 550,000         |          | 1                                          | Y           | N     | 0.31    | 30          | 11/1/1990     | MILL AND OVERLAY W/FABRIC |
| 2024        | 10TH ST              | CAMELIA ST    | CEDAR ST       | R     | Heavy Mtce                   | \$ 123,600         |          | 1                                          | Y           | N     | 0.25    | 62          | 4/1/2001      | RECONSTRUCT STRUCTURE     |
| 2024        | 10TH ST              | CEDAR ST      | VIRGINIA ST    | R     | Heavy Rehab                  | \$ 228,000         |          | 1                                          | Y           | N     | 0.13    | 45          | 4/1/2001      | MILL AND OVERLAY W/FABRIC |
| 2024        | 10TH ST              | VIRGINIA ST   | DELAWARE ST    | R     | Reconstruct                  | \$ 454,800         |          | 1                                          | Y           | N     | 0.13    | 10          | 9/1/1991      | MILL AND OVERLAY W/FABRIC |
| 2024        | 10TH ST              | DELAWARE ST   | UNIVERSITY AVE | R     | Reconstruct                  | \$ 647,200         |          | 1                                          | Y           | N     | 0.18    | 11          | 9/1/1991      | MILL AND OVERLAY W/FABRIC |
| 2024        | ACROFT CT            | ACTON ST      | DEAD END       | R     | Heavy Mtce                   | \$ 12,000          |          | 2                                          | Y           | N     | 0.05    | 60          | 11/1/1988     | RECONSTRUCT SURFACE       |
| 2024        | ACTON CIRCLE         | DEAD END      | ACTON          | R     | Reconstruct                  | \$ 57,920          |          | 2                                          | Y           | N     | 0.02    | 25          | N/A           |                           |
| 2024        | ACTON CRESCENT       | ACTON ST      | EAST DEAD      | R     | Reconstruct                  | \$ 179,853         |          | 2                                          | Y           | N     | 0.09    | 27          | N/A           |                           |
| 2024        | ACTON ST             | ADDISON ST    | UNIVERSITY     | R     | Heavy Rehab                  | \$ 102,667         |          | 2                                          | Y           | N     | 0.06    | 41          | 8/10/1998     | MILL AND OVERLAY W/FABRIC |
| 2024        | ACTON ST             | ADDISON ST    | BANCROFT WAY   | R     | Heavy Rehab                  | \$ 372,000         |          | 2                                          | Y           | N     | 0.26    | 42          | 12/1/1987     | RECONSTRUCT SURFACE       |
| 2024        | ACTON ST             | BANCROFT WAY  | DWIGHT WAY     | R     | Reconstruct                  | \$ 884,480         |          | 2                                          | Y           | N     | 0.25    | 17          | 10/1/1992     | MILL AND THICK OVERLAY    |
| 2024        | ACTON ST             | DWIGHT WAY    | BLAKE ST       | R     | Heavy Rehab                  | \$ 114,400         |          | 2                                          | Y           | N     | 0.06    | 36          | 6/16/2000     | RECONSTRUCT SURFACE       |
| 2024        | ACTON ST             | BLAKE ST      | PARKER ST      | R     | Reconstruct                  | \$ 231,200         |          | 2                                          | Y           | N     | 0.06    | 12          | N/A           |                           |
| 2024        | ACTON ST             | PARKER ST     | WARD ST        | R     | Reconstruct                  | \$ 635,120         |          | 2                                          | Y           | N     | 0.17    | 15          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2024        | CAMELIA ST           | 8TH ST        | SAN PABLO AVE  | R     | Reconstruct                  | \$ 697,680         |          | 1                                          | Y           | 3E    | 0.20    | 19          | 4/1/2001      | RECONSTRUCT SURFACE       |
| 2024        | CHANNING WAY         | SAN PABLO AVE | SACRAMENTO     | R     | Heavy Rehab                  | \$ 914,500         |          | 2                                          | Y           | 3E    | 0.53    | 50          | 9/2/2008      | MILL AND THICK OVERLAY    |
| 2024*       | CORNELL AVE          | NORTH CITY    | GILMAN ST      | R     | Heavy Rehab                  | \$ 102,000         |          | 1                                          | N           | N     | 0.14    | 40          | 11/1/1986     | MILL AND OVERLAY W/FABRIC |
| 2024        | DERBY ST             | MABEL ST      | SACRAMENTO ST  | R     | Heavy Rehab                  | \$ 456,020         |          | 2                                          | Y           | 3E    | 0.25    | 32          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2024        | EUCLID AVE           | GRIZZLY PEAK  | MARIN AVE      | C     | Heavy Mtce                   | \$ 311,242         |          | 6                                          | N           | C     | 0.58    | 73          | 11/30/2001    | RECONSTRUCT STRUCTURE     |
| 2024        | EUCLID AVE           | MARIN AVE     | REGAL RD       | R     | Heavy Mtce                   | \$ 96,667          |          | 6                                          | N           | C     | 0.11    | 69          | 11/21/2001    | RECONSTRUCT STRUCTURE     |
| 2024        | EUCLID AVE           | REGAL RD      | CRAGMONT       | C     | Heavy Mtce                   | \$ 180,778         |          | 6                                          | N           | C     | 0.28    | 71          | 11/30/2001    | RECONSTRUCT STRUCTURE     |
| 2024        | GILMAN ST            | SAN PABLO AVE | SANTA FE AVE   | A     | Heavy Rehab                  | \$ 683,116         |          | 1                                          | N           | 4*, C | 0.27    | 48          | 10/2007       | MILL AND OVERLAY          |
| 2024        | HEARST AVE           | 6TH ST        | SAN PABLO AVE  | C     | Reconstruct                  | \$ 1,306,200       |          | 1                                          | Y           | N     | 0.31    | 25          | 10/1/1994     | MILL AND OVERLAY W/FABRIC |
| 2024        | KEITH AVE            | SPRUCE ST     | EUCLID AVE     | C     | Heavy Mtce                   | \$ 106,759         |          | 6                                          | N           | N     | 0.28    | 70          | 6/5/2016      | SLURRY SEAL               |
| 2024        | KEITH AVE            | EUCLID AVE    | SHASTA RD      | C     | Heavy Mtce                   | \$ 181,120         |          | 6                                          | N           | N     | 0.49    | 74          | 6/5/2016      | SLURRY SEAL               |
| 2024        | MABEL ST             | DWIGHT WAY    | PARKER ST      | R     | Heavy Rehab                  | \$ 236,400         |          | 2                                          | Y           | 3E    | 0.12    | 31          | 9/1/1993      | MILL AND OVERLAY W/FABRIC |
| 2024        | MABEL ST             | PARKER ST     | DERBY ST       | R     | Reconstruct                  | \$ 468,400         |          | 2                                          | Y           | 3E    | 0.12    | 21          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2024        | MABEL ST             | DERBY ST      | WARD ST        | R     | Heavy Rehab                  | \$ 97,400          |          | 2                                          | Y           | 3E    | 0.06    | 33          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2024        | SHATTUCK AVE         | VINE ST       | CEDAR ST       | A     | Heavy Rehab                  | \$ 283,262         |          | 5                                          | N           | C,VZ  | 0.13    | 21          | 10/1/1996     | RECONSTRUCT SURFACE       |
| 2024        | SHATTUCK AVE         | CEDAR ST      | HEARST AVE     | A     | Heavy Rehab                  | \$ 716,738         |          | 4                                          | N           | C,VZ  | 0.32    | 22          | 10/1/1996     | RECONSTRUCT SURFACE       |
| 2024        | SPRUCE ST            | GRIZZLY PEAK  | ALTA RD        | C     | Heavy Mtce                   | \$ 80,090          |          | 56                                         | N           | 3C, C | 0.15    | 70          | 8/12/2005     | RECONSTRUCT STRUCTURE     |
| 2024        | SPRUCE ST            | ALTA RD       | MARIN AVE      | C     | Light Mtce                   | \$ 183,713         |          | 56                                         | N           | 3C, C | 0.83    | 76          | 8/12/2005     | RECONSTRUCT STRUCTURE     |
| 2024        | SPRUCE ST            | MARIN AVE     | ARCH ST        | C     | Light Mtce                   | \$ 94,599          |          | 56                                         | N           | 3C, C | 0.33    | 72          | 8/12/2005     | RECONSTRUCT STRUCTURE     |
| 2024        | SPRUCE ST            | EUNICE ST     | ROSE ST        | C     | Heavy Mtce                   | \$ 126,430         |          | 56                                         | N           | 3C, C | 0.26    | 66          | 6/15/2016     | ARAM CAPE SEAL            |
| 2024        | SPRUCE ST            | ROSE ST       | VINE ST        | R     | Heavy Mtce                   | \$ 56,865          |          | 56                                         | N           | 3C    | 0.13    | 69          | 12/1/2017     | ARAM CAPE SEAL            |
| 2024        | SPRUCE ST            | VINE ST       | CEDAR ST       | R     | Heavy Mtce                   | \$ 54,809          |          | 56                                         | N           | 3C    | 0.13    | 67          | 6/15/2016     | ARAM CAPE SEAL            |
| 2024        | SPRUCE ST            | CEDAR ST      | VIRGINIA ST    | R     | Light Mtce                   | \$ 35,171          |          | 6                                          | N           | 3C    | 0.13    | 87          | 10/10/2016    | RECONSTRUCT SURFACE       |
| 2024        | SPRUCE ST            | VIRGINIA ST   | HEARST AVE     | R     | Heavy Mtce                   | \$ 91,696          |          | 6                                          | N           | 3C    | 0.20    | 64          | 6/15/2016     | SLURRY SEAL               |
| 2024        | VIRGINIA ST          | SAN PABLO AVE | ACTON ST       | R     | Light Mtce                   | \$ 86,000          |          | 1                                          | N           | 3E    | 0.47    | 82          | 8/29/2008     | MILL AND THICK OVERLAY    |
| 2024        | VIRGINIA ST          | ACTON ST      | SACRAMENTO     | R     | Heavy Mtce                   | \$ 91,367          |          | 1                                          | N           | 3E    | 0.13    | 74          | 8/29/2008     | MILL AND THICK OVERLAY    |
| 2024        | VIRGINIA ST          | SACRAMENTO    | MC GEE AVE     | C     | Heavy Rehab                  | \$ 502,440         |          | 1                                          | N           | 3E    | 0.24    | 48          | 7/21/1997     | MILL AND OVERLAY W/FABRIC |
| 2024        | VIRGINIA ST          | MC GEE AVE    | GRANT ST       | C     | Heavy Mtce                   | \$ 79,180          |          | 1                                          | N           | 3E    | 0.13    | 60          | 6/1/1995      | MILL AND OVERLAY W/FABRIC |
| 2024        | VIRGINIA ST          | GRANT ST      | MARTIN         | C     | Light Mtce                   | \$ 38,800          |          | 1                                          | N           | 3E    | 0.13    | 78          | 6/1/1995      | MILL AND OVERLAY W/FABRIC |
| 2024        | UTILITY COORDINATION |               |                |       |                              | \$ 365,000         |          |                                            |             |       |         |             |               |                           |
|             | CONTINGENCY          |               |                |       |                              | \$ 1,404,708       |          |                                            |             |       |         |             |               |                           |
|             | MRP REQUIREMENTS     |               |                |       |                              | \$ -               |          |                                            |             |       |         |             |               |                           |
|             | TOTAL FUNDING        |               |                |       | 16884585                     | \$ 15,816,790      |          |                                            |             |       | 10.08   |             |               |                           |
|             |                      |               |                |       |                              | 32%                |          | bike/ped                                   |             |       |         |             |               |                           |
|             |                      |               |                |       |                              | 35%                |          | bike/ped not incl contingency or MRP reqts |             |       |         |             |               |                           |

\* in Fiscal Year column denotes coordination with EBMUD project

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

| Fiscal Year | Street Name | From | To | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Reqt | District | Equity Zone | P | Mileage | Current PCI | Last M&R Date | Last Paved |
|-------------|-------------|------|----|-------|------------------------------|--------------------|----------|----------|-------------|---|---------|-------------|---------------|------------|
|-------------|-------------|------|----|-------|------------------------------|--------------------|----------|----------|-------------|---|---------|-------------|---------------|------------|

**FISCAL YEAR 2024 TOTALS**

|                                       |         |                    |            |           |                     |             |              |                           |                            |  |  |
|---------------------------------------|---------|--------------------|------------|-----------|---------------------|-------------|--------------|---------------------------|----------------------------|--|--|
| <b>Total Estimated Cost and Miles</b> |         |                    |            |           | \$15,816,790        | 10.08       | miles        |                           |                            |  |  |
|                                       | Mileage | Estimated Cost     | % Cost     | % Mileage | <u>District</u>     | <u>Cost</u> | <u>Miles</u> | <u>Cost w/o Arterials</u> | <u>Miles w/o Arterials</u> |  |  |
| Arterials                             | 0.71    | \$1,683,116        | 12%        | 7%        | 1                   | \$6,684,783 | 3.65         | \$6,001,667               | 3.38                       |  |  |
| Collectors                            | 4.00    | \$3,191,352        | 22%        | 40%       | 2                   | \$4,762,360 | 2.10         | \$4,762,360               | 2.10                       |  |  |
| Residentials                          | 5.36    | \$9,172,614        | 64%        | 53%       | 3                   | \$0         | 0.00         | \$0                       | 0.00                       |  |  |
|                                       |         |                    |            |           | 4                   | \$716,738   | 0.32         | \$0                       | 0.00                       |  |  |
| Bikeways                              | 4.79    | \$5,074,676        | 35%        | 48%       | 5                   | \$581,515   | 1.03         | \$298,253                 | 0.91                       |  |  |
| Curb Ramps                            |         | \$756,000          | 5%         |           | 6                   | \$1,301,686 | 2.97         | \$1,301,686               | 2.97                       |  |  |
| <b>Total</b>                          |         | <b>\$5,830,676</b> | <b>40%</b> |           | 7                   | <b>\$0</b>  | <b>0.00</b>  | <b>\$0</b>                | <b>0.00</b>                |  |  |
|                                       |         |                    |            |           | 8                   | <b>\$0</b>  | <b>0.00</b>  | <b>\$0</b>                | <b>0.00</b>                |  |  |
| Equity Zone                           | 4.24    | \$9,864,240        | 68%        | 42%       | <b>\$14,047,082</b> |             | <b>10.08</b> | <b>\$12,363,966</b>       | <b>9.36</b>                |  |  |
| Equity Zone w/Arterials               | 4.24    | \$9,864,240        | 68%        | 42%       |                     |             |              |                           |                            |  |  |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

Proposed bike facilities from 2017 Bike Plan.



5-YEAR STREET REHABILITATION PLAN FOR FY 2024 TO FY 2028

Revised: 10/31/2023

| Fiscal Year | Street Name        | From           | To                 | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Reqt | District | Equity Zone                                | P     | Mileage | Current PCI | Last M&R Date | Last Paved                |
|-------------|--------------------|----------------|--------------------|-------|------------------------------|--------------------|----------|----------|--------------------------------------------|-------|---------|-------------|---------------|---------------------------|
| 2025        | ALLSTON WAY        | MILVIA ST      | SHATTUCK AVE       | R     | Heavy Rehab                  | \$ 228,800         |          | 4        | N                                          | N     | 0.14    | 37          | 11/1/1990     | MILL AND THIN OVERLAY     |
| 2025        | ARLINGTON AVE      | NORTH CITY     | THOUSAND           | C     | Heavy Mtce                   | \$ 343,375         |          | 5        | N                                          | 3C,C  | 0.51    | 65          | 1/21/2005     | RECONSTRUCT STRUCTURE     |
| 2025        | ARLINGTON AVE      | THOUSAND       | THE CIRCLE         | C     | Heavy Mtce                   | \$ 420,916         |          | 5        | N                                          | 3C,C  | 0.56    | 65          | 1/21/2005     | RECONSTRUCT STRUCTURE     |
| 2025        | BANCROFT WAY       | SAN PABLO AVE  | WEST ST            | R     | Heavy Mtce                   | \$ 121,920         |          | 2        | Y                                          | N     | 0.29    | 54          | 12/1/1987     | RECONSTRUCT SURFACE       |
| 2025        | BANCROFT WAY       | WEST ST        | SACRAMENTO         | R     | Heavy Mtce                   | \$ 89,680          |          | 2        | Y                                          | N     | 0.21    | 69          | 12/1/1987     | RECONSTRUCT SURFACE       |
| 2025        | BANCROFT WAY       | SACRAMENTO     | MARTIN             | R     | Heavy Rehab                  | \$ 940,800         |          | 4        | N                                          | N     | 0.50    | 33          | 11/1/1990     | MILL AND THIN OVERLAY     |
| 2025        | CALIFORNIA ST      | OREGON ST      | ASHBY AVE          | R     | Heavy Rehab                  | \$ 363,667         |          | 3        | Y                                          | 3E    | 0.18    | 34          | 10/1/1994     | MILL AND OVERLAY W/FABRIC |
| 2025        | EUCLID AVE         | BAYVIEW PL     | CEDAR ST           | C     | Heavy Rehab                  | \$ 695,412         |          | 6        | N                                          | 3C, C | 0.36    | 28          | 11/1/1990     | MILL AND OVERLAY W/FABRIC |
| 2025        | EUCLID AVE         | CEDAR ST       | HEARST AVE         | C     | Heavy Rehab                  | \$ 614,509         |          | 6        | N                                          | 3C, C | 0.31    | 41          | 11/1/1990     | MILL AND OVERLAY W/FABRIC |
| 2025        | HARMON ST          | IDAHO ST       | SACRAMENTO         | R     | Reconstruct                  | \$ 829,900         |          | 2        | Y                                          | 3E    | 0.19    | 15          | 9/1/1991      | MILL AND OVERLAY W/FABRIC |
| 2025        | HASTE ST           | PIEDMONT AVE   | COLLEGE AVE        | A     | Heavy Rehab                  | \$ 270,400         |          | 7        | N                                          | VZ    | 0.12    | 43          | 8/1/1993      | MILL AND OVERLAY W/FABRIC |
| 2025        | HASTE ST           | COLLEGE AVE    | BOWDITCH ST        | A     | Heavy Rehab                  | \$ 313,947         |          | 7        | N                                          | VZ    | 0.13    | 41          | 8/1/1993      | MILL AND OVERLAY W/FABRIC |
| 2025        | HASTE ST           | BOWDITCH ST    | FULTON ST          | A     | Heavy Rehab                  | \$ 1,304,756       |          | 47       | N                                          | VZ    | 0.51    | 35          | 8/1/1993      | MILL AND OVERLAY W/FABRIC |
| 2025        | HASTE ST           | FULTON ST      | SHATTUCK AVE       | A     | Heavy Rehab                  | \$ 241,280         |          | 4        | N                                          | VZ    | 0.11    | 29          | 8/1/1993      | MILL AND OVERLAY W/FABRIC |
| 2025        | IDAHO ST           | 66TH ST        | ALCATRAZ AVE       | R     | Reconstruct                  | \$ 547,888         |          | 2        | Y                                          | 3E    | 0.16    | 18          | 5/1/1996      | THIN AC OVERLAY           |
| 2025        | KEELER AVE         | MARIN AVE      | MILLER AVE         | R     | Reconstruct                  | \$ 384,878         |          | 6        | N                                          | N     | 0.19    | 14          | 8/1/1991      | MILL AND THICK OVERLAY    |
| 2025        | KEELER AVE         | MILLER AVE     | POPPY LN           | R     | Reconstruct                  | \$ 208,800         |          | 6        | N                                          | N     | 0.11    | 17          | 8/1/1991      | MILL AND THICK OVERLAY    |
| 2025        | MABEL ST           | WARD ST        | RUSSELL ST         | R     | Heavy Rehab                  | \$ 388,790         |          | 2        | Y                                          | 3E    | 0.23    | 29          | 9/1/1991      | MILL AND OVERLAY W/FABRIC |
| 2025        | MABEL ST           | RUSSELL ST     | ASHBY AVE          | R     | Heavy Rehab                  | \$ 178,360         |          | 2        | Y                                          | 3E    | 0.10    | 32          | 9/1/1991      | MILL AND OVERLAY W/FABRIC |
| 2025        | MABEL ST           | ASHBY AVE      | 66TH ST            | R     | Heavy Mtce                   | \$ 111,480         |          | 2        | Y                                          | 3E    | 0.24    | 71          | 6/30/2010     | MILL AND THIN OVERLAY     |
| 2025        | MATHEWS ST         | WARD ST        | RUSSELL ST         | R     | Heavy Rehab                  | \$ 392,560         |          | 2        | Y                                          | N     | 0.23    | 25          | 11/1/1990     | MILL AND THIN OVERLAY     |
| 2025        | MENDOCINO AVE      | ARLINGTON AVE  | LOS ANGELES        | R     | Reconstruct                  | \$ 721,600         |          | 5        | N                                          | N     | 0.31    | 22          | N/A           |                           |
| 2025        | MENDOCINO PL       | MENDOCINO AVE  | LOS ANGELES        | R     | Reconstruct                  | \$ 52,116          |          | 5        | N                                          | N     | 0.02    | 21          | N/A           |                           |
| 2025        | OREGON ST          | SAN PABLO AVE  | MABEL ST           | R     | Reconstruct                  | \$ 537,740         |          | 2        | Y                                          | 3E    | 0.15    | 18          | 11/1/1990     | MILL AND THIN OVERLAY     |
| 2025        | OREGON ST          | CALIFORNIA ST  | GRANT ST           | R     | Reconstruct                  | \$ 895,264         | Y        | 3        | Y                                          | N     | 0.25    | 10          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2025        | OREGON ST          | GRANT ST       | MARTIN LUTHER KING | R     | Heavy Rehab                  | \$ 156,000         |          | 3        | Y                                          | N     | 0.09    | 31          | 6/16/2000     | RECONSTRUCT SURFACE       |
| 2025        | PARK ST            | WARD ST        | BURNETT ST         | R     | Reconstruct                  | \$ 894,128         | Y        | 2        | Y                                          | N     | 0.26    | 18          | 9/1/1991      | MILL AND OVERLAY W/FABRIC |
| 2025        | RUSSELL ST         | SAN PABLO AVE  | PARK ST            | R     | Reconstruct                  | \$ 815,755         | Y        | 2        | Y                                          | 3E    | 0.23    | 29          | 9/1/1991      | MILL AND OVERLAY W/FABRIC |
| 2025        | SACRAMENTO ST      | UNIVERSITY AVE | DWIGHT WAY         | A     | Light Mtce                   | \$ 224,075         |          | 24       | Y                                          | C,VZ  | 0.57    | 69          | 12/2/2011     | MILL AND THICK OVERLAY    |
| 2025        | SACRAMENTO ST (SB) | DWIGHT WAY     | OREGON ST          | A     | Light Mtce                   | \$ 98,560          |          | 23       | Y                                          | C,VZ  | 0.44    | 75          | 11/21/2011    | RECONSTRUCT STRUCTURE     |
| 2025        | SACRAMENTO ST (NB) | OREGON ST      | DWIGHT WAY         | A     | Light Mtce                   | \$ 101,640         |          | 23       | Y                                          | C,VZ  | 0.44    | 82          | 11/21/2011    | RECONSTRUCT STRUCTURE     |
| 2025        | SACRAMENTO ST      | OREGON ST      | ASHBY AVE          | A     | Light Mtce                   | \$ 97,764          |          | 23       | Y                                          | C,VZ  | 0.19    | 86          | 11/21/2011    | RECONSTRUCT STRUCTURE     |
| 2025        | SACRAMENTO ST      | ASHBY AVE      | SOUTH CITY LIMIT   | A     | Light Mtce                   | \$ 184,662         |          | 2        | Y                                          | C,VZ  | 0.41    | 84          | 6/26/2013     | MILL AND OVERLAY          |
| 2025        | WALLACE ST         | WARD ST        | RUSSELL ST         | R     | Reconstruct                  | \$ 790,089         |          | 2        | Y                                          | N     | 0.23    | 17          | 11/1/1990     | MILL AND THIN OVERLAY     |
| 2025        | WILDCAT CANYON RD  | GRIZZLY PEAK   | SUNSET LANE        | C     | Light Mtce                   | \$ 121,347         |          | 6        | N                                          | 3C    | 0.71    | 78          | 7/25/2014     | MILL AND OVERLAY          |
| 2025        | WILDCAT CANYON RD  | SUNSET LN      | THE SPIRAL         | C     | Light Mtce                   | \$ 72,734          |          | 6        | N                                          | 3C    | 0.45    | 78          | 7/25/2014     | MILL AND OVERLAY          |
| 2025        | UTILITY            |                |                    |       |                              | \$ 913,000         |          |          |                                            |       |         |             |               |                           |
|             | CONTINGENCY        |                |                    |       |                              | \$ 1,475,559       |          |          |                                            |       |         |             |               |                           |
|             | MRP REQUIREMENTS   |                |                    |       |                              | \$ 1,125,000       |          |          |                                            |       |         |             |               |                           |
|             |                    |                |                    |       | 18269887                     | \$18,269,150       |          |          |                                            |       | 10.11   |             |               |                           |
|             |                    |                |                    |       |                              | 33%                |          |          | bike/ped                                   |       |         |             |               |                           |
|             |                    |                |                    |       |                              | 39%                |          |          | bike/ped not incl contingency or MRP reqts |       |         |             |               |                           |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

Proposed bike facilities from 2017 Bike Plan.

Draft 5-Year Street Rehabilitation Plan FY 2024-2028\_v18.xlsx

| Fiscal Year | Street Name | From | To | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Reqt | District | Equity Zone | P | Mileage | Current PCI | Last M&R Date | Last Paved |
|-------------|-------------|------|----|-------|------------------------------|--------------------|----------|----------|-------------|---|---------|-------------|---------------|------------|
|-------------|-------------|------|----|-------|------------------------------|--------------------|----------|----------|-------------|---|---------|-------------|---------------|------------|

**FISCAL YEAR 2025 TOTALS**

| Total Estimated Cost and Miles |         |                |        |           | \$18,269,150 | 10.11        | miles |                    |                     |
|--------------------------------|---------|----------------|--------|-----------|--------------|--------------|-------|--------------------|---------------------|
|                                | Mileage | Estimated Cost | % Cost | % Mileage | District     | Cost         | Miles | Cost w/o Arterials | Miles w/o Arterials |
| Arterials                      | 2.91    | \$2,837,084    | 18%    | 29%       | 1            | \$0          | 0.00  | \$0                | 0.00                |
| Collectors                     | 2.89    | \$2,268,293    | 14%    | 29%       | 2            | \$6,143,972  | 3.74  | \$5,698,290        | 2.51                |
| Residentials                   | 4.31    | \$9,650,214    | 62%    | 43%       | 3            | \$1,563,913  | 1.05  | \$1,414,931        | 0.51                |
|                                |         |                |        |           | 4            | \$2,175,296  | 1.28  | \$1,169,600        | 0.64                |
| Bikeways                       | 4.37    | \$6,041,873    | 39%    | 43%       | 5            | \$1,538,007  | 1.40  | \$1,538,007        | 1.40                |
| Curb Ramps                     |         | \$0            | 0%     |           | 6            | \$2,097,680  | 2.13  | \$2,097,680        | 2.13                |
| Total                          |         | \$6,041,873    | 39%    |           | 7            | \$1,236,725  | 0.50  | \$0                | 0.00                |
|                                |         |                |        |           | 8            | \$0          | 0.00  | \$0                | 0.00                |
| Equity Zone                    | 2.53    | \$6,901,621    | 44%    | 25%       |              | \$14,755,591 | 10.11 | \$11,918,507       | 7.20                |
| Equity Zone w/Arterials        | 4.57    | \$7,608,322    | 49%    | 45%       |              |              |       |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

Proposed bike facilities from 2017 Bike Plan.

5-YEAR STREET REHABILITATION PLAN FOR FY 2024 TO FY 2028

Revised: 10/31/2023

| Fiscal Year | Street Name        | From            | To              | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Reqt | District                      | Equity Zone | P       | Mileage | Current PCI | Last M&R Date | Last Paved                |
|-------------|--------------------|-----------------|-----------------|-------|------------------------------|--------------------|----------|-------------------------------|-------------|---------|---------|-------------|---------------|---------------------------|
| 2026        | ACTON ST           | WARD ST         | RUSSELL ST      | R     | Reconstruct                  | \$ 781,024         |          | 2                             | Y           | N       | 0.22    | 16          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2026        | ACTON ST           | RUSSELL ST      | ASHBY AVE       | R     | Light Mtce                   | \$ 16,183          |          | 2                             | Y           | N       | 0.09    | 77          | 6/15/2016     | ARAM CAPE SEAL            |
| 2026        | ADDISON ST         | AQUATIC PARK    | RRX             | R     | Heavy Mtce                   | \$ 42,898          |          | 2                             | N           | 3E      | 0.09    | 69          | 2/24/2012     | RECONSTRUCT STRUCTURE     |
| 2026        | ADDISON ST         | RRX             | 4TH ST          | R     | Light Mtce                   | \$ 13,304          |          | 2                             | N           | 3E      | 0.06    | 80          | 8/27/1987     | MILL AND OVERLAY W/FABRIC |
| 2026        | ADDISON ST         | 4TH ST          | 6TH ST          | R     | Reconstruct                  | \$ 470,580         |          | 2                             | Y           | 3E      | 0.13    | 18          | 8/27/1987     | MILL AND OVERLAY W/FABRIC |
| 2026*       | ADDISON ST         | 6TH ST          | SAN PABLO AVE   | R     | Reconstruct                  | \$ 1,146,652       |          | 2                             | Y           | 3E      | 0.31    | 16          | 8/27/1997     | MILL AND OVERLAY W/FABRIC |
| 2026        | ADDISON ST         | SAN PABLO AVE   | CURTIS ST       | R     | Reconstruct                  | \$ 485,880         |          | 2                             | Y           | 3E      | 0.14    | 23          | 8/18/1997     | MILL AND OVERLAY W/FABRIC |
| 2026        | ALCATRAZ AVE       | SACRAMENTO ST   | ADELINE ST      | C     | Heavy Mtce                   | \$ 224,284         |          | 3                             | Y           | 2B      | 0.35    | 65          | N/A           |                           |
| 2026        | ALCATRAZ AVE       | ADELINE ST      | CITY LIMIT      | C     | Light Mtce                   | \$ 63,833          |          | 3                             | N           | 2A      | 0.17    | 91          | 8/14/2015     | MILL AND OVERLAY          |
| 2026        | COLUSA AVE         | SOLANO AVE      | MARIN AVE       | C     | Heavy Mtce                   | \$ 90,462          |          | 5                             | N           | 2A      | 0.13    | 68          | 12/1/1989     | RECONSTRUCT STRUCTURE     |
| 2026        | DOHR ST            | WARD ST         | RUSSELL ST      | R     | Reconstruct                  | \$ 791,520         |          | 2                             | Y           | N       | 0.22    | 19          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2026        | DOHR ST            | RUSSELL ST      | ASHBY AVE       | R     | Reconstruct                  | \$ 202,035         |          | 2                             | Y           | N       | 0.09    | 21          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2026        | FRANCISCO ST       | SACRAMENTO      | MARTIN          | R     | Reconstruct                  | \$ 1,796,160       |          | 1                             | N           | N       | 0.49    | 19          | 10/1/1995     | RECONSTRUCT SURFACE       |
| 2026        | GRIZZLY PEAK BLVD  | HILL RD         | EAST CITY LIMIT | C     | Heavy Rehab                  | \$ 841,827         |          | 6                             | N           | 3C, C   | 0.48    | 50          | 11/1/1986     | THICK OVERLAY W/FABRIC    |
| 2026        | HARMON ST          | SACRAMENTO ST   | ADELINE ST      | R     | Heavy Mtce                   | \$ 249,800         |          | 3                             | Y           | 3E      | 0.38    | 63          | 12/1/1989     | RECONSTRUCT STRUCTURE     |
| 2026        | MARIN AVE          | WEST CITY LIMIT | THE ALAMEDA     | A     | Light Mtce                   | \$ 160,300         |          | 5                             | N           | 2A,VZ   | 0.31    | 81          | 11/30/2011    | MILL AND THICK OVERLAY    |
| 2026        | MARIN AVE          | THE ALAMEDA     | THE CIRCLE      | A     | Light Mtce                   | \$ 111,800         |          | 5                             | N           | 2A,C,VZ | 0.22    | 79          | 11/30/2011    | MILL AND THICK OVERLAY    |
| 2026        | MARTIN LUTHER KING | YOLO AVE        | CEDAR ST        | A     | Heavy Mtce                   | \$ 313,200         |          | 5                             | N           | C,VZ    | 0.49    | 52          | 8/11/2008     | MILL AND THICK OVERLAY    |
| 2026        | MARTIN LUTHER KING | CEDAR ST        | UNIVERSITY AVE  | A     | Heavy Mtce                   | \$ 496,440         |          | 14                            | N           | C,VZ    | 0.56    | 61          | 8/11/2008     | MILL AND THICK OVERLAY    |
| 2026        | MARTIN LUTHER KING | UNIVERSITY AVE  | ADDISON ST      | A     | Heavy Rehab                  | \$ 246,412         |          | 4                             | N           | C,VZ    | 0.06    | 90          | 3/26/2022     | SLURRY SEAL               |
| 2026        | MARTIN LUTHER KING | ADDISON ST      | ALLSTON WAY     | A     | Heavy Rehab                  | \$ 461,067         |          | 4                             | N           | C,VZ    | 0.13    | 53          | 8/11/2008     | MILL AND THICK OVERLAY    |
| 2026        | MARTIN LUTHER KING | ALLSTON WAY     | DWIGHT WAY      | A     | Light Rehab                  | \$ 997,920         |          | 4                             | N           | C,VZ    | 0.38    | 62          | 8/11/2008     | MILL AND THICK OVERLAY    |
| 2026        | MARTIN LUTHER KING | DWIGHT WAY      | ASHBY AVE       | A     | Light Rehab                  | \$ 1,705,032       |          | 3                             | Y           | C,VZ    | 0.64    | 55          | 8/11/2008     | MILL AND THICK OVERLAY    |
| 2026        | MARTIN LUTHER KING | ASHBY AVE       | WOOLSEY/ADELINE | A     | Heavy Mtce                   | \$ 192,075         |          | 3                             | Y           | C,VZ    | 0.19    | 65          | 8/11/2008     | MILL AND THICK OVERLAY    |
| 2026        | MONTEREY AVE       | MARIN AVE       | THE ALAMEDA     | C     | Light Mtce                   | \$ 27,111          |          | 5                             | N           | C       | 0.08    | 85          | 11/30/2011    | MILL AND THICK OVERLAY    |
| 2026        | OREGON ST          | PARK ST         | SACRAMENTO      | R     | Reconstruct                  | \$ 640,912         |          | 2                             | Y           | N       | 0.19    | 24          | 11/1/1990     | MILL AND THIN OVERLAY     |
| 2026        | RUSSELL ST         | PARK ST         | SACRAMENTO      | R     | Reconstruct                  | \$ 685,276         |          | 2                             | Y           | 3E      | 0.19    | 25          | 8/1/1993      | MILL AND OVERLAY W/FABRIC |
| 2026        | SACRAMENTO ST      | HOPKINS ST      | ROSE ST         | A     | Heavy Mtce                   | \$ 127,212         |          | 15                            | N           | VZ      | 0.15    | 59          | 12/1/1989     | RECONSTRUCT STRUCTURE     |
| 2026        | SACRAMENTO ST      | ROSE ST         | CEDAR ST        | A     | Heavy Mtce                   | \$ 167,310         |          | 15                            | N           | VZ      | 0.16    | 60          | 8/26/2008     | MILL AND THICK OVERLAY    |
| 2026        | SACRAMENTO ST      | CEDAR ST        | VIRGINIA ST     | A     | Heavy Rehab                  | \$ 530,613         |          | 2                             | N           | C,VZ    | 0.13    | 44          | 8/26/2008     | MILL AND THICK OVERLAY    |
| 2026        | SACRAMENTO ST      | VIRGINIA ST     | UNIVERSITY      | A     | Light Mtce                   | \$ 169,280         |          | 2                             | N           | C,VZ    | 0.30    | 84          | 8/14/2015     | MILL AND OVERLAY          |
| 2026        | SOLANO AVE         | TULARE AVE      | COLUSA AVE      | C     | Light Mtce                   | \$ 80,710          |          | 5                             | N           | 4*,C    | 0.14    | 79          | 8/9/2005      | RECONSTRUCT STRUCTURE     |
| 2026        | SOLANO AVE         | COLUSA AVE      | THE ALAMEDA     | C     | Light Mtce                   | \$ 52,850          |          | 5                             | N           | 4*,C    | 0.14    | 78          | 8/9/2005      | RECONSTRUCT STRUCTURE     |
| 2026        | SOLANO AVE         | THE ALAMEDA     | CONTRA COSTA    | C     | Heavy Mtce                   | \$ 62,043          |          | 5                             | N           | 4*,C    | 0.10    | 70          | 12/1/2017     | SLURRY SEAL               |
| 2026        | NORTHBRAE TUNNEL   | CONTRA COSTA    | DEL NORTE ST    | C     | Light Mtce                   | \$ 38,728          |          | 5                             | N           | 4*,C    | 0.27    | 92          | 11/30/2017    | RECONSTRUCT STRUCTURE     |
| 2026        | THE ALAMEDA        | SOLANO AVE      | MARIN AVE       | A     | Light Mtce                   | \$ 91,000          |          | 5                             | N           | 4*,C    | 0.18    | 92          | 11/30/2017    | MILL AND THICK OVERLAY    |
| 2026        | THE ALAMEDA        | MARIN AVE       | HOPKINS ST      | A     | Light Mtce                   | \$ 134,827         |          | 5                             | N           | 4*,C    | 0.26    | 92          | 11/30/2017    | MILL AND THICK OVERLAY    |
| 2026        | THE ALAMEDA        | HOPKINS ST      | YOLO AVE        | A     | Heavy Mtce                   | \$ 41,580          |          | 5                             | N           | C       | 0.04    | 69          | 12/1/2017     | SLURRY SEAL               |
| 2026        | THOUSAND OAKS      | COLUSA AVE      | VINCENTE AVE    | C     | Heavy Mtce                   | \$ 36,006          |          | 5                             | N           | N       | 0.07    | 74          | 6/15/2016     | SLURRY SEAL               |
| 2026        | THOUSAND OAKS      | VINCENTE AVE    | THE ALAMEDA     | C     | Heavy Mtce                   | \$ 82,133          |          | 5                             | N           | N       | 0.16    | 68          | 6/15/2016     | SLURRY SEAL               |
| 2026        | THOUSAND OAKS      | THE ALAMEDA     | ARLINGTON       | C     | Heavy Mtce                   | \$ 139,843         |          | 5                             | N           | N       | 0.30    | 73          | 6/15/2016     | SLURRY SEAL               |
| 2026        | UTILITY            |                 |                 |       |                              | \$ 900,000         |          |                               |             |         |         |             |               |                           |
|             | CONTINGENCY        |                 |                 |       |                              | \$ 1,500,812       |          |                               |             |         |         |             |               |                           |
|             | MRP REQUIREMENTS   |                 |                 |       |                              | \$ -               |          |                               |             |         |         |             |               |                           |
|             |                    |                 |                 |       | 17412997                     | \$17,408,935       |          |                               |             |         | 9.18    |             |               |                           |
|             |                    |                 |                 |       |                              | 29%                |          | bike/ped                      |             |         |         |             |               |                           |
|             |                    |                 |                 |       |                              | 32%                |          | bike/ped not incl contingency |             |         |         |             |               |                           |

\* in Fiscal Year column denotes coordination with EBMUD project

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

Proposed bike facilities from 2017 Bike Plan.

| Fiscal Year | Street Name | From | To | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Reqt | District | Equity Zone | P | Mileage | Current PCI | Last M&R Date | Last Paved |
|-------------|-------------|------|----|-------|------------------------------|--------------------|----------|----------|-------------|---|---------|-------------|---------------|------------|
|-------------|-------------|------|----|-------|------------------------------|--------------------|----------|----------|-------------|---|---------|-------------|---------------|------------|

**FISCAL YEAR 2026 TOTALS**

**Total Estimated Cost and Miles**

\$17,408,935

9.18 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost         | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|--------------|-------|--------------------|---------------------|
| Arterials               | 4.19    | \$5,946,067    | 37%    | 46%       | 1        | \$2,191,641  | 0.93  | \$1,796,160        | 0.49                |
| Collectors              | 2.39    | \$1,739,831    | 11%    | 26%       | 2        | \$5,976,158  | 2.16  | \$5,276,265        | 1.73                |
| Residentials            | 2.60    | \$7,322,225    | 46%    | 28%       | 3        | \$2,435,025  | 1.72  | \$2,435,025        | 1.72                |
|                         |         |                |        |           | 4        | \$1,953,618  | 0.84  | \$0                | 0.00                |
| Bikeways                | 4.04    | \$5,047,055    | 32%    | 44%       | 5        | \$1,609,854  | 3.05  | \$609,886          | 1.39                |
| Curb Ramps              |         | \$480,000      | 3%     |           | 6        | \$841,827    | 0.48  | \$841,827          | 0.48                |
| Total                   |         | \$5,527,055    | 35%    |           | 7        | \$0          | 0.00  | \$0                | 0.00                |
|                         |         |                |        |           | 8        | \$0          | 0.00  | \$0                | 0.00                |
| Equity Zone             | 2.31    | \$5,694,147    | 36%    | 25%       |          | \$15,008,123 | 9.18  | \$10,959,163       | 5.82                |
| Equity Zone w/Arterials | 3.13    | \$7,591,254    | 48%    | 34%       |          |              |       |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

Proposed bike facilities from 2017 Bike Plan.

Draft 5-Year Street Rehabilitation Plan FY 2024-2028\_v18.xlsx

5-YEAR STREET REHABILITATION PLAN FOR FY 2024 TO FY 2028

Revised: 10/31/2023

| Fiscal Year | Street Name    | From            | To             | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Req | District | Equity Zone | P      | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|----------------|-----------------|----------------|-------|------------------------------|--------------------|---------|----------|-------------|--------|---------|-------------|---------------|----------------------------|
| 2027        | 6TH            | CAMELIA ST      | CEDAR ST       | C     | Heavy Mtce                   | \$ 217,778         |         | 1        | Y           | 2B, VZ | 0.25    | 74          | 8/31/2004     | MILL AND OVERLAY W/FABRIC  |
| 2027        | 6TH            | CEDAR ST        | VIRGINIA ST    | C     | Heavy Rehab                  | \$ 446,925         |         | 1        | Y           | 2B, VZ | 0.13    | 54          | 4/1/2001      | MILL AND OVERLAY W/FABRIC  |
| 2027        | 6TH            | VIRGINIA ST     | UNIVERSITY AVE | C     | Light Rehab                  | \$ 729,619         |         | 1        | Y           | 2B, VZ | 0.31    | 63          | 4/1/2001      | MILL AND OVERLAY W/FABRIC  |
| 2027        | 8TH ST         | GILMAN ST       | CAMELIA ST     | R     | Heavy Rehab                  | \$ 212,445         |         | 1        | Y           | 3E     | 0.12    | 35          | 4/1/2001      | MILL AND OVERLAY W/FABRIC  |
| 2027        | 8TH ST         | CAMELIA ST      | PAGE ST        | R     | Heavy Rehab                  | \$ 144,978         |         | 1        | Y           | N      | 0.08    | 42          | 4/1/2001      | MILL AND OVERLAY W/FABRIC  |
| 2027        | 8TH ST         | PAGE ST         | JONES ST       | R     | Reconstruct                  | \$ 293,378         | Y       | 1        | Y           | N      | 0.09    | 16          | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2027        | 8TH ST         | JONES ST        | VIRGINIA ST    | R     | Reconstruct                  | \$ 710,367         | Y       | 1        | Y           | N      | 0.21    | 19          | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2027        | 8TH ST         | VIRGINIA ST     | UNIVERSITY AVE | R     | Reconstruct                  | \$ 1,131,612       | Y       | 1        | Y           | N      | 0.31    | 17          | 11/1/1990     | MILL AND THIN OVERLAY      |
| 2027        | BATAAN AVE     | 7TH ST          | 8TH ST         | R     | Reconstruct                  | \$ 144,294         |         | 1        | Y           | N      | 0.06    | 16          | N/A           |                            |
| 2027        | BELROSE AVE    | DERBY ST        | CLAREMONT      | C     | Light Mtce                   | \$ 30,289          |         | 8        | N           | 4*,C   | 0.12    | 91          | 10/10/2016    | RECONSTRUCT                |
| 2027        | BOWDITCH ST    | BANCROFT WAY    | DURANT AVE     | R     | Reconstruct                  | \$ 221,880         |         | 7        | N           | 2A     | 0.06    | 14          | 11/1/1990     | MILL AND THIN OVERLAY      |
| 2027        | BOWDITCH ST    | DURANT AVE      | HASTE ST       | R     | Reconstruct                  | \$ 450,660         |         | 7        | N           | 2A     | 0.13    | 17          | 11/1/1990     | MILL AND THIN OVERLAY      |
| 2027        | BOWDITCH ST    | HASTE ST        | DWIGHT WAY     | R     | Heavy Rehab                  | \$ 123,000         |         | 7        | N           | 2A     | 0.06    | 40          | 7/1/1988      | MILL AND OVERLAY W/FABRIC  |
| 2027        | CAMELIA ST     | 6TH ST          | 8TH ST         | R     | Reconstruct                  | \$ 406,720         |         | 1        | Y           | N      | 0.12    | 24          | 4/1/2001      | RECONSTRUCT SURFACE        |
| 2027        | CHANNING WAY   | SHATTUCK AVE    | FULTON ST      | R     | Light Mtce                   | \$ 37,720          |         | 4        | N           | 2B     | 0.11    | 87          | 8/7/2015      | MILL AND OVERLAY           |
| 2027        | CHANNING WAY   | FULTON ST       | DANA ST        | R     | Light Mtce                   | \$ 87,880          |         | 47       | N           | 2B     | 0.25    | 87          | 8/7/2015      | MILL AND OVERLAY           |
| 2027        | CHANNING WAY   | DANA ST         | BOWDITCH ST    | R     | Light Mtce                   | \$ 92,644          |         | 7        | N           | 2B     | 0.25    | 78          | 8/7/2015      | MILL AND OVERLAY           |
| 2027        | CHANNING WAY   | BOWDITCH ST     | COLLEGE AVE    | R     | Heavy Mtce                   | \$ 81,844          |         | 7        | N           | 2B     | 0.13    | 76          | 8/7/2015      | MILL AND OVERLAY           |
| 2027        | CHANNING WAY   | COLLEGE AVE     | PIEDMONT AVE   | R     | Heavy Mtce                   | \$ 72,000          |         | 7        | N           | 2B     | 0.12    | 72          | 8/7/2015      | MILL AND OVERLAY           |
| 2027        | CLAREMONT AVE  | EAST CITY LIMIT | RUSSELL ST     | C     | Reconstruct                  | \$ 497,733         | Y       | 8        | N           | VZ     | 0.11    | 21          | 7/1/1994      | MILL AND OVERLAY W/FABRIC  |
| 2027        | CLAREMONT AVE  | RUSSELL ST      | ASHBY AVE      | C     | Reconstruct                  | \$ 506,511         | Y       | 8        | N           | 4,VZ   | 0.08    | 18          | 7/1/1994      | MILL AND OVERLAY W/FABRIC  |
| 2027        | CLAREMONT AVE  | ASHBY AVE       | SOUTH CITY     | C     | Heavy Rehab                  | \$ 1,790,524       |         | 8        | N           | 4,VZ   | 0.57    | 53          | 7/1/1994      | MILL AND OVERLAY W/FABRIC  |
| 2027        | CLAREMONT BLVD | BELROSE AVE     | CLAREMONT      | C     | Light Mtce                   | \$ 38,772          |         | 8        | N           | 4,C    | 0.17    | 91          | 10/10/2016    | RECONSTRUCT                |
| 2027        | DELAWARE ST    | 6TH ST          | 9TH ST         | C     | Heavy Mtce                   | \$ 117,147         |         | 1        | Y           | N      | 0.18    | 71          | 12/1/2017     | SLURRY SEAL                |
| 2027        | DELAWARE ST    | 9TH ST          | SAN PABLO AVE  | C     | Heavy Mtce                   | \$ 93,887          |         | 1        | Y           | 2A     | 0.13    | 73          |               |                            |
| 2027        | DERBY ST       | COLLEGE AVE     | PIEDMONT AVE   | R     | Heavy Rehab                  | \$ 268,765         |         | 8        | N           | 3E     | 0.12    | 31          | 8/1/1996      | MILL AND OVERLAY W/FABRIC  |
| 2027        | DERBY ST       | PIEDMONT AVE    | WARRING ST     | R     | Heavy Rehab                  | \$ 114,903         |         | 8        | N           | 3E     | 0.06    | 27          | N/A           |                            |
| 2027        | DERBY ST       | WARRING ST      | BELROSE AVE &  | A     | Light Mtce                   | \$ 59,940          |         | 8        | N           | 4*,C   | 0.23    | 90          | 10/10/2016    | RECONSTRUCT                |
| 2027        | DWIGHT WAY     | MILVIA WAY      | SHATTUCK AVE   | A     | Heavy Mtce                   | \$ 80,940          |         | 4        | N           | C      | 0.13    | 55          | 12/10/1998    | MILL AND OVERLAY W/FABRIC  |
| 2027        | DWIGHT WAY     | SHATTUCK AVE    | FULTON ST      | A     | Light Mtce                   | \$ 32,000          |         | 4        | N           | N      | 0.11    | 86          | 6/27/2013     | MILL AND OVERLAY           |
| 2027        | DWIGHT WAY     | FULTON ST       | DANA ST        | A     | Light Mtce                   | \$ 70,667          |         | 47       | N           | N      | 0.25    | 84          | 6/27/2013     | MILL AND OVERLAY           |
| 2027        | DWIGHT WAY     | DANA ST         | TELEGRAPH      | A     | Heavy Mtce                   | \$ 85,296          |         | 7        | N           | C      | 0.13    | 75          | 6/27/2013     | MILL AND OVERLAY           |
| 2027        | DWIGHT WAY     | TELEGRAPH AVE   | BOWDITCH ST    | A     | Light Mtce                   | \$ 31,680          |         | 78       | N           | N      | 0.13    | 80          | 8/7/2015      | MILL AND OVERLAY           |
| 2027        | DWIGHT WAY     | BOWDITCH ST     | COLLEGE AVE    | A     | Light Mtce                   | \$ 31,680          |         | 78       | N           | N      | 0.13    | 87          | 8/7/2015      | MILL AND OVERLAY           |
| 2027        | DWIGHT WAY     | COLLEGE AVE     | PIEDMONT AVE   | A     | Light Mtce                   | \$ 37,200          |         | 78       | N           | N      | 0.15    | 87          | 8/30/2015     | MILL AND OVERLAY           |
| 2027*       | FOREST AVE     | COLLEGE AVE     | CLAREMONT BLVD | R     | Heavy Rehab                  | \$ 618,000         |         | 8        | N           | N      | 0.36    | 45          | 8/1/1996      | RECONSTRUCT STRUCTURE (AC) |
| 2027        | FRANCISCO ST   | SAN PABLO AVE   | CHESTNUT ST    | R     | Reconstruct                  | \$ 760,933         |         | 1        | N           | N      | 0.26    | 17          | 8/1/1993      | RECONSTRUCT SURFACE        |
| 2027        | FRANCISCO ST   | CHESTNUT ST     | DEAD END       | R     | Reconstruct                  | \$ 629,733         |         | 1        | N           | N      | 0.21    | 24          | 7/1/1995      | MILL AND OVERLAY W/FABRIC  |
| 2027        | GRANT ST       | NORTH END       | ROSE ST        | R     | Heavy Rehab                  | \$ 99,393          |         | 5        | N           | 3C     | 0.06    | 48          | 6/1/1995      | MILL AND OVERLAY W/FABRIC  |
| 2027        | GRANT ST       | ROSE ST         | CEDAR ST       | R     | Heavy Mtce                   | \$ 136,806         |         | 5        | N           | 3C     | 0.25    | 61          | 6/1/1995      | MILL AND OVERLAY W/FABRIC  |
| 2027        | GRANT ST       | CEDAR ST        | LINCOLN ST     | R     | Light Rehab                  | \$ 66,337          |         | 1        | N           | 3C     | 0.06    | 55          | 7/22/1997     | MILL AND THICK OVERLAY     |
| 2027        | GRANT ST       | LINCOLN ST      | VIRGINIA ST    | R     | Heavy Rehab                  | \$ 114,593         |         | 1        | N           | 3C     | 0.06    | 47          | 7/22/1997     | MILL AND THICK OVERLAY     |
| 2027        | GRANT ST       | VIRGINIA ST     | FRANCISCO ST   | R     | Reconstruct                  | \$ 232,801         |         | 1        | N           | 3C     | 0.06    | 24          | 7/22/1997     | MILL AND THICK OVERLAY     |
| 2027        | GRANT ST       | FRANCISCO ST    | OHLONE PARK    | R     | Light Mtce                   | \$ 42,680          |         | 1        | N           | 3C     | 0.10    | 97          | 10/11/2019    | MILL AND THICK OVERLAY     |
| 2027        | GRANT ST       | HEARST AVE      | UNIVERSITY     | R     | Heavy Mtce                   | \$ 72,354          |         | 1        | N           | 3C     | 0.11    | 63          | 12/15/2004    | RECONSTRUCT SURFACE        |
| 2027        | GRANT ST       | UNIVERSITY AVE  | ADDISON ST     | R     | Light Mtce                   | \$ 24,700          |         | 4        | N           | 3C     | 0.06    | 90          | 12/15/2004    | RECONSTRUCT STRUCTURE      |
| 2027        | GRANT ST       | ADDISON ST      | ALLSTON WAY    | R     | Heavy Rehab                  | \$ 260,686         |         | 4        | N           | 3C     | 0.13    | 37          | 9/13/2000     | MEDIUM AC OVERLAY          |
| 2027        | GRANT ST       | ALLSTON WAY     | BANCROFT WAY   | R     | Light Mtce                   | \$ 37,432          |         | 4        | N           | 3C     | 0.13    | 85          | 12/15/2004    | RECONSTRUCT STRUCTURE      |
| 2027        | GRANT ST       | BANCROFT WAY    | CHANNING WAY   | R     | Heavy Rehab                  | \$ 262,552         |         | 4        | N           | 3C     | 0.13    | 41          | 9/13/2000     | MEDIUM AC OVERLAY          |
| 2027        | GRANT ST       | CHANNING WAY    | DWIGHT WAY     | R     | Light Mtce                   | \$ 31,246          |         | 4        | N           | 3C     | 0.13    | 77          | 12/15/2004    | RECONSTRUCT STRUCTURE      |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

5-YEAR STREET REHABILITATION PLAN FOR FY 2024 TO FY 2028

Revised: 10/31/2023

| Fiscal Year | Street Name       | From          | To            | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Reqt | District | Equity Zone | P       | Mileage | Current PCI | Last M&R Date | Last Paved                |
|-------------|-------------------|---------------|---------------|-------|------------------------------|--------------------|----------|----------|-------------|---------|---------|-------------|---------------|---------------------------|
| 2027        | HEARST AVE        | SACRAMENTO    | CALIFORNIA ST | C     | Heavy Mtce                   | \$ 55,200          |          | 1        | N           | VZ      | 0.11    | 61          | 8/14/2015     | FIBER MICROSURFACING      |
| 2027        | HEARST AVE        | CALIFORNIA ST | MC GEE AVE    | C     | Heavy Mtce                   | \$ 84,120          |          | 1        | N           | 4*,VZ   | 0.13    | 65          | 8/14/2015     | FIBER MICROSURFACING      |
| 2027        | HEARST AVE        | MC GEE AVE    | MARTIN        | C     | Heavy Mtce                   | \$ 171,460         |          | 1        | N           | 4*,VZ   | 0.26    | 64          | 8/14/2015     | FIBER MICROSURFACING      |
| 2027        | PIEDMONT AVE      | AT END OF     | BANCROFT WAY  | C     | Heavy Mtce                   | \$ 110,193         |          | 7        | N           | 2A,C,VZ | 0.14    | 68          | 10/1/2012     | RECONSTRUCT STRUCTURE     |
| 2027        | PIEDMONT AVE      | BANCROFT WAY  | DWIGHT WAY    | C     | Light Mtce                   | \$ 126,147         |          | 7        | N           | 4,C,VZ  | 0.26    | 68          | 8/17/2006     | RECONSTRUCT STRUCTURE     |
| 2027        | PIEDMONT AVE      | DERBY ST      | STUART ST     | R     | Heavy Rehab                  | \$ 290,646         |          | 8        | N           | 3C      | 0.16    | 41          | 7/8/2003      | RECONSTRUCT SURFACE       |
| 2027        | PIEDMONT AVE      | STUART ST     | RUSSELL ST    | R     | Light Rehab                  | \$ 120,128         |          | 8        | N           | 3C      | 0.09    | 54          | 7/8/2003      | RECONSTRUCT SURFACE       |
| 2027        | PIEDMONT AVE      | RUSSELL ST    | ASHBY AVE     | R     | Light Rehab                  | \$ 83,717          |          | 8        | N           | N       | 0.06    | 76          | 12/15/2004    | RECONSTRUCT SURFACE       |
| 2027        | PIEDMONT CRESCENT | DWIGHT WAY    | WARRING ST    | C     | Light Mtce                   | \$ 19,133          |          | 8        | N           | 3C,C,VZ | 0.05    | 91          | 10/10/2016    | RECONSTRUCT               |
| 2027        | VIRGINIA ST       | 2ND ST        | 6TH ST        | R     | Heavy Rehab                  | \$ 460,250         |          | 1        | Y           | 3E      | 0.25    | 35          | N/A           |                           |
| 2027        | VIRGINIA ST       | 6TH ST        | SAN PABLO AVE | R     | Heavy Rehab                  | \$ 543,500         |          | 1        | Y           | 3E      | 0.31    | 33          | 4/1/2001      | MILL AND OVERLAY W/FABRIC |
| 2027        | WARRING ST        | DWIGHT WAY    | DERBY ST      | C     | Light Mtce                   | \$ 76,617          |          | 8        | N           | 3C,C,VZ | 0.29    | 90          | 10/10/2016    | RECONSTRUCT               |
| 2027        | WOOLSEY ST        | COLLEGE AVE   | CLAREMONT AVE | R     | Reconstruct                  | \$ 851,400         | Y        | 8        | N           | 3A/3C   | 0.24    | 29          | N/A           |                           |
| 2027        | UTILITY           |               |               |       |                              | \$ 1,000,000       |          |          |             |         |         |             |               |                           |
|             | CONTINGENCY       |               |               |       |                              | \$ 1,587,644       |          |          |             |         |         |             |               |                           |
|             | MRP REQUIREMENTS  |               |               |       |                              | \$ 1,500,000       |          |          |             |         |         |             |               |                           |
|             |                   |               |               |       | 20189151                     | \$19,964,080       |          |          |             |         | 10.02   |             |               |                           |
|             |                   |               |               |       |                              | 50%                |          |          | bike/ped    |         |         |             |               |                           |

\* in Fiscal Year column denotes coordination with EBMUD project

59%

bike/ped not incl contingency

**FISCAL YEAR 2027 TOTALS**

**Total Estimated Cost and Miles**

\$19,964,080

10.02 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost         | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|--------------|-------|--------------------|---------------------|
| Arterials               | 1.25    | \$429,403      | 3%     | 12%       | 1        | \$7,883,113  | 3.90  | \$7,883,113        | 3.90                |
| Collectors              | 3.28    | \$5,112,054    | 30%    | 33%       | 2        | \$0          | 0.00  | \$0                | 0.00                |
| Residentials            | 5.48    | \$10,334,979   | 61%    | 55%       | 3        | \$0          | 0.00  | \$0                | 0.00                |
|                         |         |                |        |           | 4        | \$846,549    | 1.18  | \$698,276          | 0.80                |
| Bikeways                | 6.83    | \$9,874,389    | 59%    | 68%       | 5        | \$236,199    | 0.31  | \$236,199          | 0.31                |
| Curb Ramps              |         | \$648,000      | 4%     |           | 6        | \$0          | 0.00  | \$0                | 0.00                |
| Total                   |         | \$10,522,389   | 62%    |           | 7        | \$1,493,217  | 1.73  | \$1,322,308        | 1.28                |
|                         |         |                |        |           | 8        | \$5,417,359  | 2.90  | \$5,307,139        | 2.48                |
| Equity Zone             | 2.54    | \$5,652,899    | 33%    | 25%       |          | \$15,876,436 | 10.02 | \$15,447,033       | 8.77                |
| Equity Zone w/Arterials | 2.54    | \$5,652,899    | 33%    | 25%       |          |              |       |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

Proposed bike facilities from 2017 Bike Plan.

Draft 5-Year Street Rehabilitation Plan FY 2024-2028\_v18.xlsx

5-YEAR STREET REHABILITATION PLAN FOR FY 2024 TO FY 2028

Revised: 10/31/2023

| Fiscal Year | Street Name          | From           | To                 | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Reqt | District | Equity Zone                   | P      | Mileage | Current PCI | Last M&R Date | Last Paved                |
|-------------|----------------------|----------------|--------------------|-------|------------------------------|--------------------|----------|----------|-------------------------------|--------|---------|-------------|---------------|---------------------------|
| 2028        | 5TH ST               | UNIVERSITY AVE | DWIGHT WAY         | R     | Reconstruct                  | \$ 1,852,471       | Y        | 2        | Y                             | N      | 0.57    | 23          | 11/1/1990     | MILL AND THIN OVERLAY     |
| 2028        | 7TH ST               | UNIVERSITY AVE | BANCROFT WAY       | R     | Reconstruct                  | \$ 1,137,520       | Y        | 2        | Y                             | N      | 0.32    | 28          | 8/28/1997     | MILL AND OVERLAY W/FABRIC |
| 2028        | 7TH ST               | BANCROFT WAY   | DWIGHT WAY         | R     | Heavy Rehab                  | \$ 431,600         |          | 2        | Y                             | N      | 0.25    | 32          | 11/1/1990     | MILL AND THIN OVERLAY     |
| 2028        | 7TH ST               | DWIGHT WAY     | GRAYSON ST         | C     | Heavy Mtce                   | \$ 193,210         |          | 1        | N                             | C      | 0.35    | 69          | 7/7/2008      | MILL AND THICK OVERLAY    |
| 2028        | 7TH ST               | GRAYSON ST     | HEINZ AVE          | C     | Heavy Mtce                   | \$ 76,700          |          | 1        | N                             | C      | 0.13    | 74          | 7/7/2008      | MILL AND THICK OVERLAY    |
| 2028        | 7TH ST               | HEINZ AVE      | ASHBY AVE          | C     | Light Mtce                   | \$ 57,622          |          | 1        | N                             | C      | 0.19    | 78          | 10/23/2003    | MILL AND THICK OVERLAY    |
| 2028        | 10TH ST              | CARLETON ST    | HEINZ AVE          | R     | Reconstruct                  | \$ 916,160         | Y        | 2        | Y                             | N      | 0.26    | 16          | 6/15/2000     | RECONSTRUCT SURFACE       |
| 2028        | CURTIS ST            | UNIVERSITY AVE | DWIGHT WAY         | R     | Reconstruct                  | \$ 2,009,440       | Y        | 2        | Y                             | N      | 0.57    | 9           | 8/18/1997     | MILL AND THICK OVERLAY    |
| 2028        | FRANCISCO ST         | MARTIN LUTHER  | MILVIA ST          | R     | Reconstruct                  | \$ 451,520         |          | 4        | N                             | N      | 0.13    | 24          | 10/1/1995     | RECONSTRUCT SURFACE       |
| 2028        | FRANCISCO ST         | MILVIA ST      | SHATTUCK AVE       | R     | Reconstruct                  | \$ 463,520         |          | 4        | N                             | N      | 0.13    | 25          | 10/1/1995     | RECONSTRUCT SURFACE       |
| 2028        | FULTON ST            | KITTREDGE ST   | BANCROFT WAY       | A     | Heavy Mtce                   | \$ 83,971          |          | 47       | N                             | 4*     | 0.06    | 77          | 9/13/2002     | RECONSTRUCT STRUCTURE     |
| 2028        | GRANT ST             | DWIGHT WAY     | OREGON ST          | R     | Heavy Rehab                  | \$ 876,506         |          | 34       | Y                             | 3C     | 0.43    | 31          | 7/1/1993      | RECONSTRUCT SURFACE       |
| 2028        | GRANT ST             | NORTH END      | RUSSELL ST         | R     | Heavy Rehab                  | \$ 62,849          |          | 3        | Y                             | 3C     | 0.04    | 37          | 6/1/1995      | MILL AND OVERLAY W/FABRIC |
| 2028        | KITTREDGE ST         | MILVIA ST      | SHATTUCK AVE       | R     | Heavy Rehab                  | \$ 225,600         |          | 4        | N                             | N      | 0.13    | 40          | 9/1/1984      | SLURRY SEAL               |
| 2028        | OXFORD ST            | HEARST AVE     | BERKELEY WAY       | A     | Light Mtce                   | \$ 41,293          |          | 47       | N                             | 4*     | 0.05    | 80          | 9/13/2002     | RECONSTRUCT STRUCTURE     |
| 2028        | OXFORD ST            | BERKELEY WAY   | UNIVERSITY         | A     | Heavy Mtce                   | \$ 82,005          |          | 47       | N                             | 4*     | 0.06    | 71          | 9/13/2002     | RECONSTRUCT STRUCTURE     |
| 2028        | OXFORD ST            | UNIVERSITY AVE | ADDISON ST         | A     | Heavy Mtce                   | \$ 81,816          |          | 47       | N                             | 4*     | 0.07    | 74          | 9/13/2002     | RECONSTRUCT STRUCTURE     |
| 2028        | OXFORD ST            | ADDISON ST     | KITTREDGE ST       | A     | Heavy Mtce                   | \$ 258,487         |          | 47       | N                             | 4*     | 0.19    | 77          | 9/13/2002     | RECONSTRUCT STRUCTURE     |
| 2028        | SHATTUCK AVE         | WARD ST        | ASHBY AVE          | C     | Heavy Mtce                   | \$ 181,709         |          | 3        | N                             | 4,C,VZ | 0.29    | 58          | 11/24/2008    | MILL AND THICK OVERLAY    |
| 2028        | STUART ST            | SACRAMENTO ST  | MARTIN LUTHER KING | R     | Reconstruct                  | \$ 1,601,680       | Y        | 3        | Y                             | N      | 0.46    | 19          | 9/1/1993      | RECONSTRUCT SURFACE       |
| 2028        | UNIVERSITY AVE       | 6TH ST         | SAN PABLO AVE      | A     | Heavy Mtce                   | \$ 368,694         |          | 12       | Y                             | 4,C,VZ | 0.31    | 66          | 9/1/2009      | RECONSTRUCT STRUCTURE     |
| 2028        | UNIVERSITY AVE       | SAN PABLO AVE  | SACRAMENTO         | A     | Heavy Mtce                   | \$ 613,793         |          | 12       | Y                             | 4,C,VZ | 0.56    | 55          | 11/25/2009    | RECONSTRUCT STRUCTURE     |
| 2028        | UNIVERSITY AVE       | SACRAMENTO     | MCGEE AVE          | A     | Heavy Mtce                   | \$ 292,502         |          | 14       | N                             | 4,C,VZ | 0.25    | 70          | 6/10/2010     | RECONSTRUCT STRUCTURE     |
| 2028        | UNIVERSITY AVE       | MCGEE AVE      | MARTIN             | A     | Heavy Mtce                   | \$ 253,508         |          | 14       | N                             | 4,C,VZ | 0.25    | 68          | 9/30/2010     | RECONSTRUCT STRUCTURE     |
| 2028        | VIRGINIA ST          | MARTIN LUTHER  | MILVIA ST          | R     | Heavy Mtce                   | \$ 54,400          |          | 4        | N                             | 3E     | 0.13    | 71          | 6/30/2010     | MILL AND THIN OVERLAY     |
| 2028        | VIRGINIA ST          | MILVIA ST      | SHATTUCK AVE       | R     | Light Mtce                   | \$ 19,680          |          | 4        | N                             | 3E     | 0.12    | 81          | 6/30/2010     | MILL AND THIN OVERLAY     |
| 2028        | VIRGINIA ST          | SHATTUCK AVE   | SPRUCE ST          | R     | Light Rehab                  | \$ 250,000         |          | 46       | N                             | 3E     | 0.19    | 64          | 9/13/2002     | MILL AND OVERLAY W/FABRIC |
| 2028        | VIRGINIA ST          | SPRUCE ST      | ARCH ST            | R     | Heavy Mtce                   | \$ 66,000          |          | 6        | N                             | 3E     | 0.09    | 66          | 9/13/2002     | MILL AND OVERLAY W/FABRIC |
| 2028        | VIRGINIA ST          | ARCH ST        | EUCLID AVE         | R     | Heavy Mtce                   | \$ 132,800         |          | 6        | N                             | 3E     | 0.20    | 65          | 9/13/2002     | MILL AND OVERLAY W/FABRIC |
| 2028        | WARD ST              | ACTON ST       | SACRAMENTO ST      | R     | Reconstruct                  | \$ 476,912         |          | 2        | Y                             | N      | 0.14    | 14          | 9/1/1993      | RECONSTRUCT SURFACE       |
| 2028        | WARD ST              | SACRAMENTO ST  | MARTIN LUTHER KING | R     | Reconstruct                  | \$ 1,622,672       | Y        | 3        | Y                             | N      | 0.46    | 22          | 9/1/1993      | RECONSTRUCT SURFACE       |
| 2028        | UTILITY COORDINATION |                |                    |       |                              | \$ 700,000         |          |          |                               |        |         |             |               |                           |
|             | CONTINGENCY          |                |                    |       |                              | \$ 1,523,664       |          |          |                               |        |         |             |               |                           |
|             | MRP REQUIREMENTS     |                |                    |       |                              | \$ 3,000,000       |          |          |                               |        |         |             |               |                           |
|             |                      |                |                    |       | 20473590                     | \$20,460,304       |          |          |                               |        | 7.35    |             |               |                           |
|             |                      |                |                    |       |                              | 18%                |          |          | bike/ped                      |        |         |             |               |                           |
|             |                      |                |                    |       |                              | 23%                |          |          | bike/ped not incl contingency |        |         |             |               |                           |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

Proposed bike facilities from 2017 Bike Plan.

Draft 5-Year Street Rehabilitation Plan FY 2024-2028\_v18.xlsx

| Fiscal Year | Street Name | From | To | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Reqt | District | Equity Zone | P | Mileage | Current PCI | Last M&R Date | Last Paved |
|-------------|-------------|------|----|-------|------------------------------|--------------------|----------|----------|-------------|---|---------|-------------|---------------|------------|
|-------------|-------------|------|----|-------|------------------------------|--------------------|----------|----------|-------------|---|---------|-------------|---------------|------------|

**FISCAL YEAR 2028 TOTALS**

**Total Estimated Cost and Miles**

\$20,460,304

7.35 miles

|                         | Mileage | Estimated Cost     | % Cost     | % Mileage | District | Cost             | Miles       | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|--------------------|------------|-----------|----------|------------------|-------------|--------------------|---------------------|
| Arterials               | 1.80    | \$2,076,069        | 13%        | 20%       | 1        | \$1,091,780      | 1.36        | \$1,091,754        | 0.67                |
| Collectors              | 0.96    | \$509,241          | 3%         | 10%       | 2        | \$7,315,346      | 2.53        | \$6,824,103        | 2.10                |
| Residentials            | 4.59    | \$12,651,330       | 80%        | 50%       | 3        | \$3,907,163      | 1.45        | \$3,907,163        | 1.45                |
|                         |         |                    |            |           | 4        | \$2,324,764      | 1.41        | \$1,777,973        | 0.94                |
| Bikeways                | 3.28    | \$3,720,013        | 23%        | 36%       | 5        | \$0              | 0.00        | \$0                | 0.00                |
| Curb Ramps              |         | \$546,000          | 3%         |           | 6        | \$323,800        | 0.38        | \$323,800          | 0.38                |
| <b>Total</b>            |         | <b>\$4,266,013</b> | <b>27%</b> |           | 7        | <b>\$273,786</b> | <b>0.22</b> | <b>\$0</b>         | <b>0.00</b>         |
|                         |         |                    |            |           | 8        | <b>\$0</b>       | <b>0.00</b> | <b>\$0</b>         | <b>0.00</b>         |
| Equity Zone             | 3.48    | \$10,987,810       | 69%        | 38%       |          | \$15,236,640     | 7.35        | \$13,924,793       | 5.54                |
| Equity Zone w/Arterials | 4.35    | \$11,970,296       | 75%        | 47%       |          |                  |             |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

Proposed bike facilities from 2017 Bike Plan.



| Fiscal Year | Street Name | From | To | Class | Treatment (from StreetSaver) | Updated Total Cost | MRP Reqt | District | Equity Zone | P | Mileage | Current PCI | Last M&R Date | Last Paved |
|-------------|-------------|------|----|-------|------------------------------|--------------------|----------|----------|-------------|---|---------|-------------|---------------|------------|
|-------------|-------------|------|----|-------|------------------------------|--------------------|----------|----------|-------------|---|---------|-------------|---------------|------------|

**FISCAL YEAR 2024-2028 TOTALS**

**Total Estimated Cost and Miles**

\$91,919,259

46.73 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost          | Miles        | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|---------------|--------------|--------------------|---------------------|
| Arterials               | 10.87   | \$12,971,740   | 15%    | 23%       | 1        | \$17,851,317  | 9.84         | \$16,772,694       | 8.45                |
| Collectors              | 13.52   | \$12,820,770   | 15%    | 29%       | 2        | \$24,197,836  | 10.53        | \$22,561,018       | 8.44                |
| Residentials            | 22.34   | \$49,131,362   | 57%    | 48%       | 3        | \$7,906,100   | 4.23         | \$7,757,118        | 3.69                |
|                         |         |                |        |           | 4        | \$8,016,965   | 5.03         | \$3,645,848        | 2.38                |
| Bikeways                | 23.30   | \$29,758,005   | 34%    | 50%       | 5        | \$3,965,575   | 5.79         | \$2,682,345        | 4.01                |
| Curb Ramps              |         | \$2,430,000    | 3%     |           | 6        | \$4,564,992   | 5.96         | \$4,564,992        | 5.96                |
| Total                   |         | \$32,188,005   | 37%    |           | 7        | \$3,003,729   | 2.45         | \$1,322,308        | 1.28                |
|                         |         |                |        |           | 8        | \$5,417,359   | 2.90         | \$5,307,139        | 2.48                |
| Equity Zone             | 15.09   | \$39,100,716   | 45%    | 32%       |          | \$74,923,872  | 46.73        | \$64,613,462       | 36.69               |
| Equity Zone w/Arterials | 18.83   | \$42,687,011   | 49%    | 40%       |          |               |              |                    |                     |
|                         |         |                |        |           |          | Total Funding | \$91,919,259 |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

Proposed bike facilities from 2017 Bike Plan.

Draft 5-Year Street Rehabilitation Plan FY 2024-2028\_v18.xlsx





Office of the City Manager

INFORMATION CALENDAR  
November 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Lisa Warhuus, Director, Health, Housing and Community Services  
 Submitted by: Janice Chin, Public Health Division Manager  
 Subject: Healthy Checkout Ordinance Update

INTRODUCTION

On March 9, 2020, the Health, Life Enrichment, Equity, and Community Policy Committee adopted the action to send the Healthy Checkout Ordinance item to City Council. The Healthy Checkout Ordinance was passed by City Council on September 22, 2020, adding Chapter 9.82 to the Berkeley Municipal Code “Healthy Checkout”. The ordinance came into effect March 1, 2021, with enforcement pursuant to 9.82.040 to commence no sooner than January 1, 2022.

Pursuant to 9.82.030, the Department of Health, Housing, and Community Services’ Public Health Division (HHCS/PH) was directed to conduct a bi-annual review of qualifying food and beverage categories, with a 120- day phase-in period if any changes were made. This information report provides an update on implementation to date.

CURRENT SITUATION AND ITS EFFECTS

The ordinance requires “Large Retail Stores” over 2,500 square feet in size, that sell at least 25 linear feet of food, to follow the requirements for Healthy Checkout as written in Sec 9.82.030 of the ordinance. Each large retail store shall ensure that all foods and beverages sold in all checkout areas meet the standards in Sec 9.82.030 A-C and comply with the below list of qualifying food and beverage categories:

- A. Beverages with no added sugars and no artificial sweeteners.
- B. Food items with no more than 5 grams of added sugars, and 200 milligrams of sodium per labeled serving.
- C. Food items must be in the following categories: chewing gum and mints with no added sugars, fruit, vegetables, nuts, seeds, legumes, yogurt or cheese and whole grains.

Since the Healthy Check out Ordinance came into effect, HHCS has responded to questions submitted by community members, established a protocol for the biannual review, and conducted all the biannual reviews.

Healthy Check Out ordinance implementation takes place within the context of Healthy Berkeley program implementation. The Healthy Berkeley program was initiated with the passage of the Sugar Sweetened Beverage tax. Tax revenues are used to support health prevention and promotion activities discouraging the consumption of sugar-sweetened beverages and addressing their health impacts. The Sugar Sweetened Beverage Panel of Experts Commission advises Council on use of the tax revenues and program implementation.

HHCS/PH completed bi-annual reviews of the qualifying food and beverage categories on:

- July 8, 2022
- January 13, 2023
- July 6, 2023

To date, HHCS/PH has not recommended any changes to Sec 9.82.030 A-C. Until HHCS completed inspections of all subject businesses and provided technical assistance in July 2023, there was minimal information for the impacted businesses beyond inquiries from the public to inform additional or adjusted clarifying language to the ordinance. The additional information provided from the completed inspections will be included in the next bi-annual review scheduled for January 12, 2024.

Starting in July 2023 City staff conducted site visits of checkout areas of stores subject to the Healthy Check Out Ordinance, assessed compliance, and offered technical assistance. Assessments of all twenty-three (23) businesses that were subject to the requirements of the Ordinance were completed in the months of July 2023 and August 2023. One (1) of the businesses was no longer operating at the time of the inspection.

- 50% (11) of the businesses were in compliance
- 50% (11) of the businesses were out of compliance
- 14% (3) of the businesses that were out of compliance were significantly out of compliance

All businesses that were out of compliance were provided with technical assistance and information regarding the requirements of the Ordinance. HHCS' Environmental Health Division (HHCS/EH) will conduct follow-up activities with the 3 facilities identified as being significantly out of compliance and possible enforcement action if those facilities continue to be out of compliance with the ordinance.

Staff will be exploring the possibility of adding an informational section around the Healthy Checkout ordinance on the City website for easy access to information around requirements, resources, as well as email links to submit questions/ inquires.

**BACKGROUND**

In an effort to further diminish the human and economic costs of diseases associated with the consumption of sugary drinks by discouraging their distribution and consumption in Berkeley, HHCS staff have worked on the additional following initiatives under Healthy Berkeley:

- Implemented a new service providing one-on-one nutrition education for community members with high blood pressure readings, known diabetes, or risk for developing diabetes.
- Implemented programmatic enhancements with community partners that are either Healthy Berkeley funded agencies and/or work with Berkeley communities vulnerable to health disparities. Examples of this include (but not limited to):
  - Regular nutrition education activities are now conducted with older adults at South Berkeley Senior Center,
  - Referral pathways from LifeLong Medical's Heart 2 Heart screening program have been established to provide nutrition consultation for clients at risk for hypertension or heart disease;
  - One-on-one nutrition consultations have been initiated with African-American pregnant/ parenting women participating in the Berkeley Black Infant Health Program
  - Nutrition education outreach and resources are being provided for Latinx Day Laborers in partnership with the Multicultural Institute.

In its September 2020 Council report, the Health, Life Enrichment, Equity, and Community Policy Committee supported the ordinance as a strategy to create healthier food environments, including addressing:

- Health impacts of sugar and sodium consumption and related diseases.
- Consumers making healthier purchases and reducing impulse purchasing that may happen at checkout areas
- Research and initiatives in other states and countries supporting policy change for healthier food environments and the grocery/store checkout area as an ideal place to begin changing norms around healthy snacks and drinks.
- Outreach and focus groups with diverse Berkeley communities voicing support for healthy checkout options in grocery stores, and families and individuals being susceptible to impulse purchasing.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

There are no environmental sustainability and climate impacts as the result of activities conducted by HHCS/PH and to support this Ordinance.

**POSSIBLE FUTURE ACTION**

No action is requested at this time.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

None.

CONTACT PERSON

Janice Chin, MPH, Division Manager, HHCS-Public Health Division, 510-981-5121

Ron Torres, Division Manager, HHCS-Environmental Health Division, 510-981-5261

Attachments:

1: Ordinance No, 7,734 0 N.S.

2: Item 16 – Healthy Checkout – Agenda September 22, 2020

## ORDINANCE NO. 7,734-N.S.

|  
ADDING CHAPTER 9.82 TO THE BERKELEY MUNICIPAL CODE "HEALTHY  
CHECKOUT"

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the Berkeley Municipal Code is amended to read as follows:

**9.82.010. Findings and Purpose.**

The City of Berkeley hereby finds and declares as follows:

- A. Diets with an excess of added sugars and sodium are correlated to chronic health issues including diabetes, high blood pressure, and stroke.
- B. Food choices are strongly affected by the environments in which they are made. The placement of unhealthy snacks near a register increases the likelihood that consumers will purchase those foods and drinks, thus undermining consumer health choices and public health initiatives.
- C. It is in the interest of the health, safety, and welfare of all who live, work, and do business in the City that large stores offer healthy options and do not actively encourage the purchase of unhealthy foods.
- D. This Chapter is consistent with the General Provisions of Environmental Health of the City (Berkeley Municipal Code 11.04).

**9.82.020. Definitions.**

- A. "Added Sugars" means sugars added during the processing of food and beverages, or are packaged as such, and include sugars (free, mono and disaccharides), sugars from syrups and honey, and sugars from concentrated fruit or vegetable juices that are in excess of what would be expected from the same volume of 100 percent fruit or vegetable juice of the same type, as defined in Section 101.9 of Title 21 of the Code of Federal Regulations.
- B. "Artificial Sweetener" means sweeteners with few to no calories that have a higher intensity of sweetness per gram than sucrose.
- C. "Category List" means the list of foods and beverages which meet the standards of BMC 9.82.030.
- D. "Checkout Area" means any area that is accessible to a customer of the Large Retail Store that is either:
  - i. within a 3-foot distance of any Register; or
  - ii. designated primarily for or utilized primarily by customers to wait in line to make a purchase at a Register, up to and including the Checkout Endcap.
- E. "Checkout Endcap" means product displays placed at endpoints of areas designated primarily for or utilized primarily by customers to wait in line to make a purchase.
- F. "Register" means a device used for monetary transactions that calculates the sales of goods and displays the amount of sales for the customer.
- G. "Large Retail Store" means a commercial establishment selling goods to the public with a total floor area over 2,500 square feet and selling 25 linear feet or

more of food.

#### **9.82.030. Healthy Checkout Areas.**

Each Large Retail Store shall, at all hours during which the Large Retail Store is open to the public, ensure that all foods and beverages sold in all Checkout Areas meet the standards in Sec 9.82.030 A-C and comply with the list of qualifying food and beverage categories:

- A. Beverages with no added sugars and no artificial sweeteners.
- B. Food items with no more than 5 grams of added sugars, and 200 milligrams of sodium per labeled serving.
- C. Food items must be in the following categories: chewing gum and mints with no added sugars, fruit, vegetables, nuts, seeds, legumes, yogurt or cheese and whole grains.

City staff will provide technical assistance for implementation. Bi-annual review of qualifying food and beverage categories will be done by the Public Health Division. There will be a 120 day phase-in period if any changes are made.

#### **9.82.040. Enforcement.**

- A. The City is hereby authorized to issue all rules and regulations consistent with this ordinance, including, but not limited to, fees for re-inspection.
- B. Compliance with this Chapter shall be administered by the City during regular inspections of qualifying Large Retail Stores. The City may require a Large Retail Store to provide such information as may be necessary to determine the Large Retail Store's compliance with this Chapter.

#### **9.82.050. Violation--Penalty.**

- A. A Large Retail Store that violates any provision of this chapter may be subject to administrative citations pursuant to Chapter 1.28 of this Code.
- B. This section shall not limit the City from recovering all costs associated with implementing this chapter or investigating complaints pursuant to fee resolution.
- C. Remedies and penalties under this chapter are cumulative and not exclusive.

#### **9.82.060. Effective Date.**

This ordinance and the legal requirements set forth herein shall take effect and be in force March 1, 2021. Enforcement pursuant to 9.82.040 shall commence no sooner than January 1, 2022.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



At a regular meeting of the Council of the City of Berkeley held on September 22, 2020, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

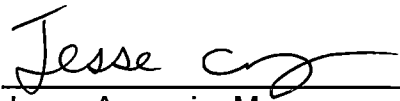
Absent: None.

At a regular meeting of the Council of the City of Berkeley held on October 13, 2020, this Ordinance was adopted by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

ATTEST:   
\_\_\_\_\_  
Mark Numainville, City Clerk

Date signed: October 20, 2020



Kate Harrison  
Councilmember District 4

16

ACTION CALENDAR  
September 22, 2020

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Kate Harrison and Sophie Hahn  
Subject: Healthy Checkout Ordinance

RECOMMENDATION

1. Adopt an ordinance requiring stores over 2,500 square feet in size to sell more nutritious food and beverage options in their checkout areas.
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.
3. Refer to the Sugar Sweetened Beverage Product Panel of Experts to consider recommending funding allocations, and to work with City staff to develop protocols for, implementation, education, and enforcement.

POLICY COMMITTEE RECOMMENDATION

On March 9, 2020, the Health, Life Enrichment, Equity and Community adopted the following action: M/S/C (Hahn/Kesarwani) to send the item, as revised, back to the City Council with a Positive Recommendation. Vote: All Ayes with Bartlett absent.

FINANCIAL IMPLICATIONS

1. Implementation of the ordinance would require staff time to educate the approximately 25 stores about what is required of them to comply with the ordinance. The Center for Science in the Public Interest has created a suggested list of products that meet the criteria of the ordinance. Healthy Berkeley funded programs Bay Area Community Resources and Community Health Education Institute are both funded for FY 21 to work with stores, including with store education and monitoring. Community partners could assist with implementation. Additionally, the City Council approved a budget recommendation from the Sugar Sweetened Beverage Product Panel of Experts in May 2019, which includes additional funding for FY 20 and 21. The total recommended budget for the City of Berkeley Public Health Division (PHD) is \$427,500 per fiscal year. In Fiscal Years 2016-17, 2017-18 and 2018-19, the City Council has voted to allocate \$225,000 per fiscal year to the PHD for the administration and evaluation of the Healthy Berkeley Program. This represents an increase of \$202,500 per year in Fiscal Years 2019-20 and 2020-21.
2. Enforcement should be focused primarily on positive education and secondarily on traditional enforcement. Enforcement of the ordinance may be incorporated

into the regular inspections of food retailers conducted by the City. Spot checks of items sold in each aisle is sufficient to monitor compliance.

## **BACKGROUND**

Today's food landscape plays a large role in determining what people purchase and consume. Unhealthy food and beverages are promoted and placed repeatedly throughout retail stores. Cheap, ready-to-eat foods high in salt, saturated fat, and added sugars dominate checkout aisles, where shoppers are more likely to make impulse purchases and where parents struggle with their children over demands to buy treats at the end of a shopping trip.

This ordinance would require all stores over 2,500 square feet in size that sell at least 25 linear feet of food to follow the requirements for Healthy Checkout, as written in the ordinance, the specifics of which are to be determined in the policy committee process. This would impact approximately 25 stores in Berkeley, including Safeway, Whole Foods, CVS, Walgreens, Berkeley Bowl, and Monterey Market.

### ***Health Impacts of Sugar and Sodium Consumption and Related Disease Disparities***

Impulse buying at checkout contributes to the high levels of sugar consumption in American diets. There has been much research and media attention<sup>1</sup> about the health impacts of excessive added sugar intake, including elevated risk of tooth decay, heart disease, and Type 2 diabetes.<sup>2</sup> The adverse health effects of added sugar consumption further entrench health disparities, burdening people of color more than white populations. Currently, Type 2 diabetes is on the rise across the country; one in three children and one of two children of color will be diagnosed in their lifetime.<sup>3</sup>

Diets that are high in sodium are linked to high blood pressure, heart disease, and stroke,<sup>4</sup> all of which disproportionately affect African Americans and communities of color.<sup>5</sup>

### ***Health Equity and Inequity***

Berkeley also has health disparities in diet-related disease. In 2014, African American residents were four times more likely than White residents to be diagnosed with diabetes and 14 times more likely to be hospitalized due to its effects.<sup>6</sup> This gap has decreased since 2014, but the disparity continues to exist.<sup>7</sup> Rates of hospitalization for heart disease and high blood pressure are also significantly higher among African-American residents than White and Latino residents.<sup>5</sup>

On a national scale, racial and ethnic minorities experience diet-related disparities – diets high in fat and salt and low in fruits, vegetables, and whole grains.<sup>8</sup> These diet-related disparities lead to additional health disparities including heart disease and diabetes, as discussed above. Providing more nutritious options will benefit people of all backgrounds, but it will disproportionately benefit low-income communities and communities of color who are most affected by nutrition-related health issues.

### ***Checkout Areas of Grocery Stores Contribute to the Problem***

Consumers are trying to make healthier purchases. A 2019 report found that 73 percent of shoppers are concerned about the nutritional content of their food.<sup>910</sup>

Despite consumer desire to select healthier foods, unhealthy foods are prevalent in checkout areas in a wide variety of retail stores. A national study of 8,600 stores – including supermarkets, convenience stores, drug stores, and dollar stores – found that 88 percent display candy at checkout and one-third (34 percent) sell sugar-sweetened beverages.<sup>11</sup> Only 24 percent of stores sell water at checkout, and only 13 percent sell fresh fruits or vegetables at checkout.<sup>8</sup> Almost all supermarkets (91 percent) display candy and 85 percent sell soda and other sugary drinks at checkout.<sup>8</sup>

In 2018, a Berkeley-based youth group assessed a sample of 35 Berkeley stores including Walgreens, Safeway, Trader Joes, Target, Berkeley Bowl, Dollar Tree and others. Data was collected from 16,404 facings, which are the display of a single product on the shelf (not including the items stacked behind it). They found that 69 percent of beverages and 81 percent of foods sold in the checkout area of surveyed stores were considered unhealthy using the National Alliance for Nutrition and Activity Model Nutrition Standards for Checkout.<sup>12</sup>

Research shows that food choices are strongly affected by the environments in which they are made. The aim of placing food and beverages at checkout is to induce unplanned purchases; thus, unhealthy checkout options undermine consumers' efforts to purchase healthier foods.<sup>13</sup> The placement of snacks near the register increases the likelihood that people purchase those foods.<sup>14</sup> In addition, most of the candy, soda, and chips in checkout aisles are placed at eye-level and within reach of children, undermining parents' efforts to feed their children well.<sup>15</sup>

Three-quarters of parents report that it is hard to shop at grocery stores because unhealthy food is so prevalent.<sup>16</sup> Healthy checkout aisles provide all families more opportunities to say yes to their kids.

### ***Grocery Stores are a Prime Place for Policy Change***

Grocery stores are Americans' top source for food and beverages, providing more than 60 percent of calories.<sup>17</sup> Ninety percent of Supplemental Nutritional Assistance Program (SNAP) dollars are redeemed at supermarkets and grocery stores.<sup>18</sup> Though grocery stores sell a wide range of healthy products, they are also the largest contributor of unhealthy food and beverages to the diet. Seventy percent of the sugary beverages children consume come from food retail.<sup>19</sup>

Sugary drinks are promoted repeatedly throughout stores; appearing in as many as 25 different places in a single grocery store.<sup>20</sup> At checkout, these drinks make up 60% of beverage offerings.<sup>21</sup>

Healthy Checkout also provides an opportunity for grocery stores. When United Kingdom grocery stores provided healthier options at checkout, consumers responded positively and provided a "responsible" branding opportunity for those stores.<sup>22</sup>

Consumers want healthier options, and stores can use this fact to their advantage.

For all these reasons, grocery store checkout lanes are an ideal place to begin changing norms around healthy snacks and drinks.

### ***Strategies to Reduce Sugar Consumption in Berkeley***

In 2014, Berkeley became the first city in the country to tax the distribution of sugar sweetened beverages. In the last five years, the City created the Healthy Berkeley program which supports the Berkeley Unified School District garden education program as well as community programs that educate residents about nutrition and are changing norms around beverage choice.

This ordinance is another effort to create a healthy food environment that would support families by providing them the ability to avoid high-calorie, low-nutrient food and beverages when they do their grocery and other shopping. Individuals and families who want to purchase sugary drinks, candy, chips, and other sweet and salty snacks will be able to find them in their respective aisles in the center of stores. By changing checkout norms, shoppers and their children face less temptation to consume sugary foods and there is less reinforcement of these unhealthy choices.

### ***Berkeley Residents are Demanding Checkout Changes***

In 2018, Berkeley-based youth advocates conducted four focus groups where adults and adolescents unanimously supported removing unhealthy food and beverages from grocery store checkout lanes and requiring stores to have healthy checkout aisles. Participants suggested retailers stock checkout with water, fruit juice, coffee, and tea. They also requested that gum, mints and healthy snacks be available. Using the National Alliance for Nutrition and Activity standards as a guide, this ordinance aims to create checkout aisles where beverages with no added sugars or artificial sweeteners, such as 100% juice and water are considered healthy beverages, and where healthy snacks are predominantly fruits, nuts, and vegetables.

In order to streamline implementation and enforcement, the proposed Healthy Checkout Ordinance restricts added sugars and sodium for food products sold at checkout.

### ***Outreach and Focus Groups***

The Center for Science in the Public Interest performed four focus group studies in 2019 regarding the proposed Healthy Checkout Ordinance. The focus groups were intentionally diverse but focused on youth and health advocates. The four focus groups were 1) Berkeley High School students 2) Latinx women in South Berkeley, conducted in Spanish 3) African-American women, hosted by Healthy Black Families and 4) North and Northwest Berkeley residents, hosted by Urban Adamah. From the focus groups, advocates learned that half reported feeling stress at checkout, there was unanimous support for healthy checkout options in grocery stores, and parents and children are susceptible to impulse purchases.

There were also nine interviews conducted with a dentist, a Community Health Commissioner, two non-profit leaders, four local retail managers, and one store owner.

100% of the retailers were interested in making healthier changes and 50% of the managers were interested in supporting the ordinance directly. All retailers also stated that straightforward guidelines would help with implementation.

The City has also begun some outreach, with positive results. Healthy Checkout was recently polled in the Berkeley Considers engagement portal, where over 95% of respondents were in favor. Over 100 people responded to the question.

### ***Healthy Checkout Reduces Impulse Buying of Sugary Snacks and Drinks***

A recent study by the University of Cambridge analyzed purchasing data for common unhealthy checkout foods from 2013-2017 in nine U.K. supermarket chains. They found that consumers purchased 17 percent fewer sweets, chocolate and potato chips. One year later the decline in unhealthy purchases remained steady at 16 percent.<sup>1</sup>

The Healthy Checkout Ordinance will create a level playing field for customers and retailers and support consistent, healthy snacking norms for shoppers and families.

### ***Providing Alternatives at Checkout in Berkeley: Ordinance Elements***

The attached ordinance (Attachment 1):

- limits food and beverage products sold at the checkout area;
- applies to approximately 25 stores in Berkeley that are over 2,500 square feet (see attached) and have more than 25 linear feet of food for sale; and
- allows only beverages with no added sugars and no artificial sweeteners and food items with limited calories, added sugars, and sodium to be sold in the checkout area.

These limitations allow for healthy alternatives to proliferate in checkout areas. Stores will continue to sell food items in their checkout areas, and limiting the salt and added sugars will lead to stores selling fruits, vegetables, seeds, nuts, water, milk, and other healthier options.

The attached ordinance still has some unanswered questions that will require input from public health advocates, City staff, food retailers, and the policy committee. Those questions are:

- how to define healthy food, and what parameters are most appropriate;
- date of implementation;
- appropriate definition of “checkout area”. The attached draft ordinance includes the definition of “checkout area” as defined in AB 765, but that definition may not appropriately reflect the needs of all large retail stores in Berkeley.

### **RATIONALE FOR RECOMMENDATION**

Requiring the approximately 25 stores to follow the requirements for Healthy Checkout would eliminate the encouragement of unplanned purchases of unhealthy foods and beverages. Such a change would thus contribute to healthy norms and reduce the consumption of sugary drinks and unhealthy foods in the City of Berkeley.

### ALTERNATIVES CONSIDERED

In February 2019, Assemblymember Buffy Wicks introduced AB 765, a bill which would implement Healthy Checkout statewide. However, as the bill has not advanced from committee since April, progress at the state level is not guaranteed.

In the United Kingdom, many grocery stores have voluntarily undertaken a healthy checkout initiative.<sup>22</sup> However, without clear standards for what constitutes “healthy” or enforcement, the voluntary model is too modest to draw conclusions about long-term health impacts. In addition, the interviews with retailers indicated that voluntary compliance without straightforward guidelines would be more difficult to follow.

### CONTACT PERSON

Kate Harrison, District 4

### ATTACHMENTS:

1: Draft Ordinance

2: [Checkout Areas Diagram](#)

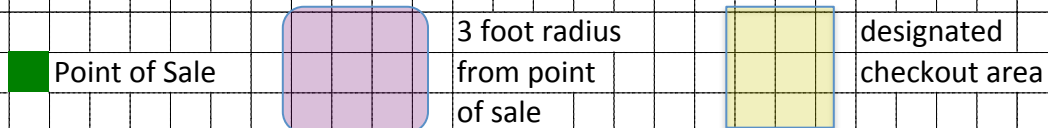
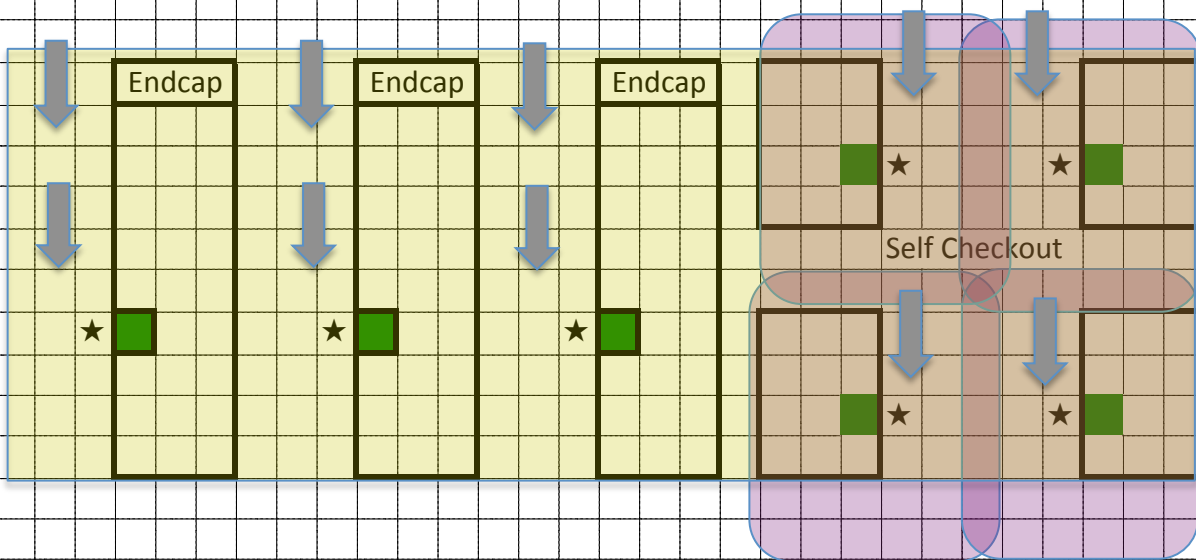
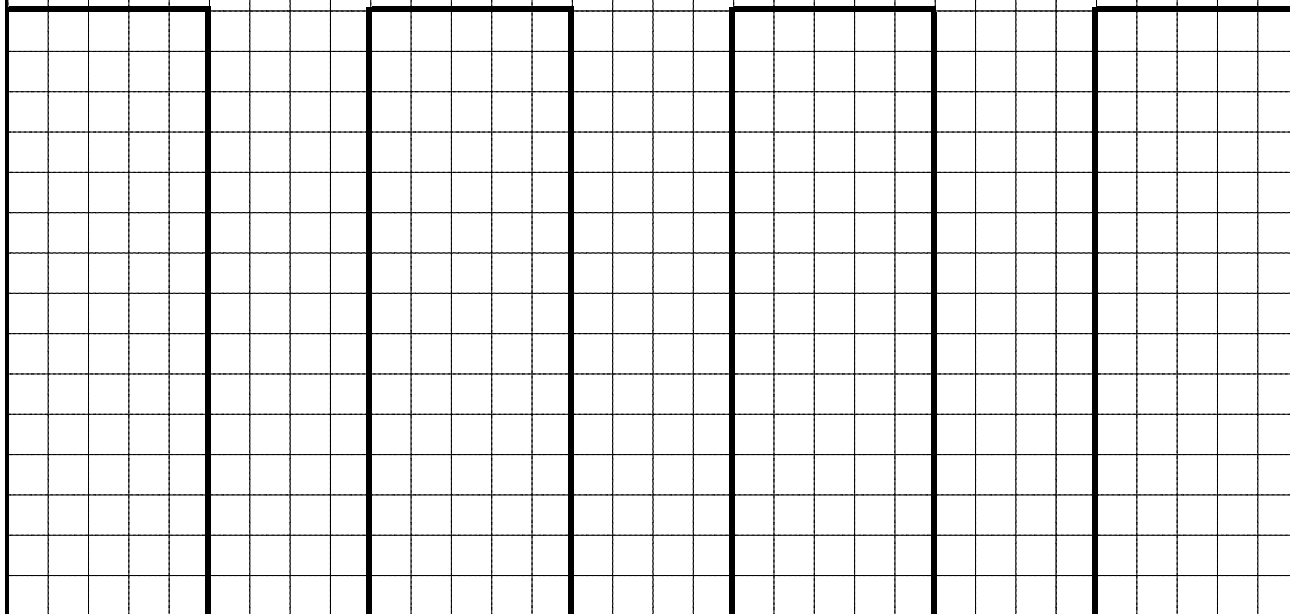
3: [Retailer Factsheet](#)

4: [Sample Healthy Checkout Stock Items](#)

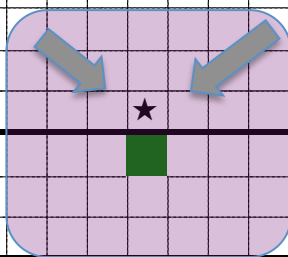
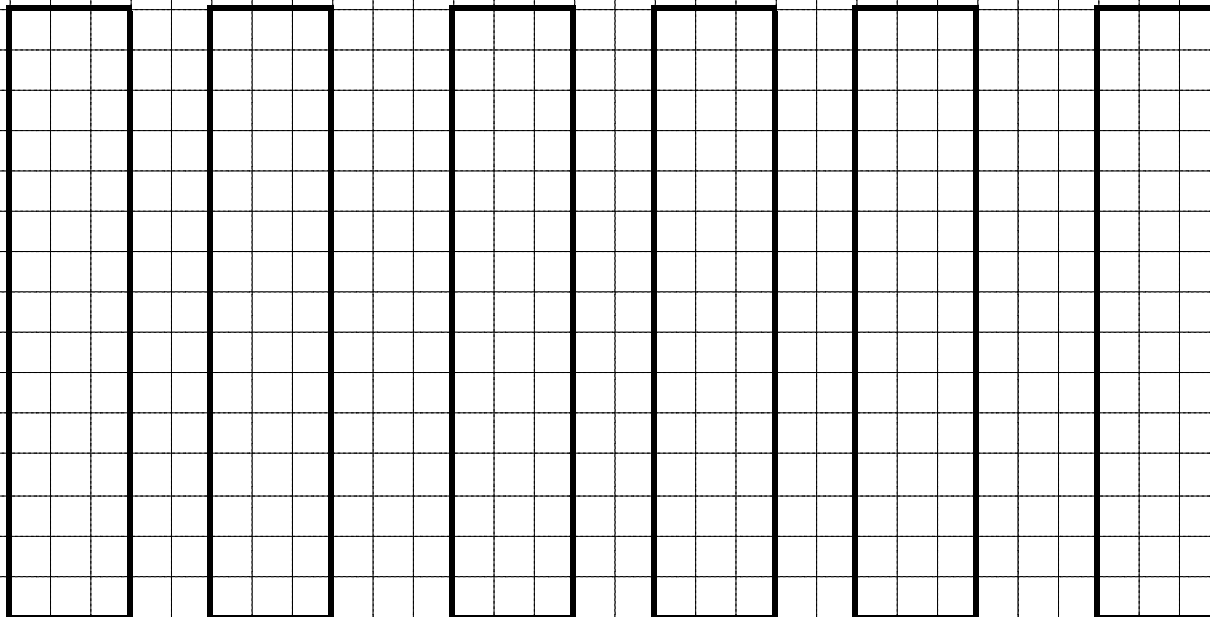
- <sup>1</sup> Brody, JE. The Downside of Having a Sweet Tooth. *The New York Times*. July 22, 2019. <https://www.nytimes.com/2019/07/22/well/eat/the-downside-of-having-a-sweet-tooth.html>.
- <sup>2</sup> U.S. Department of Health and Human Services and U.S. Department of Agriculture. *2015–2020 Dietary Guidelines for Americans 8th Edition*. Washington, DC; HHS and USDA, 2015.
- <sup>3</sup> *Lancet Diabetes Endocrinol*. 2014 Nov;2(11):867-74. doi: 10.1016/S2213-8587(14)70161-5. Epub 2014 Aug 12.
- <sup>4</sup> <https://www.hsph.harvard.edu/nutritionsource/salt-and-sodium/>
- <sup>5</sup> <https://www.cdc.gov/mmwr/volumes/67/ss/ss6705a1.htm>
- <sup>6</sup> City of Berkeley. *Health Status Report 2014*. Berkeley, CA; 2014.
- <sup>7</sup> City of Berkeley. *Health Status Report 2018*. Berkeley, CA; 2018.
- <sup>8</sup> Satia, Jessie A. *Diet-Related Disparities: Understanding the Problem and Accelerating Solutions*. J. Am Diet Assoc. 2009 April.
- <sup>9</sup> Food Marketing Institute. *The Power of Health and Well-Being in Food Retail*. Arlington, VA: FMI; 2019.
- <sup>10</sup> International Food Information Council Foundation. *2019 Food & Health Survey*. Washington, D.C.: IFIC; 2019.
- <sup>11</sup> Barker D, Quinn C, Rimkus L, Zenk S, Chaloupka F. *Availability of Healthy Food Products at Check-out Nationwide, 2010-2012*. Chicago, IL: Bridging the Gap Program, Health Policy Center, Institute for Health Research and Policy, University of Illinois at Chicago; 2015.
- <sup>12</sup> The Center for Science in the Public Interest. *Model Nutrition Standards for Checkout*. <https://cspinet.org/protecting-our-health/nutrition/model-nutrition-standards-checkout>.
- <sup>13</sup> Center for Science in the Public Interest. *Temptation at Checkout: The Power of Point-of-Sale Retail Food Marketing*. Washington, D.C.: CSPI; 2015.
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- <sup>15</sup> Horsley JA, Absalom KA, Akiens EM, Dunk RJ, Ferguson AM. The Proportion of Unhealthy Foodstuffs Children Are Exposed to at the Checkout of Convenience Supermarkets. *Public Health Nutr*. 2014;17(11):2453-2458.
- <sup>16</sup> Caravan ORC International. *Checkout Polling: Online Survey of 1,024 adults*. Princeton, NJ; 2016.
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- <sup>18</sup> U.S. Department of Agriculture Food and Nutrition Service. *2015 SNAP Retailer Management Year-End Summary*. Washington, D.C.: USDA; 2015.
- <sup>19</sup> Poti JM, Slining MM, Popkin BM, Kenan WR. Where are kids getting their empty calories? Stores, schools, and fast food restaurants each play an important role in empty calorie intake among US children in 2009-2010. *J Acad Nutr Diet*. 2014;114(6):908-917. doi: 10.1016/j.jand.2013.08.012.
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- <sup>21</sup> Fielding-Singh P, Almy J, Wootan MG. *Sugar Overload: Retail Checkout Promotes Obesity*. Washington, DC: Center for Science in the Public Interest, 2014.
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### Traditional Large Grocery Store Layout w/ Self Checkout - 3' Point of Sale, 3' Checkout Area

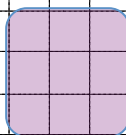


### Traditional Convenience/Corner Store Layout - 3' Point of Sale, 3' Checkout Area



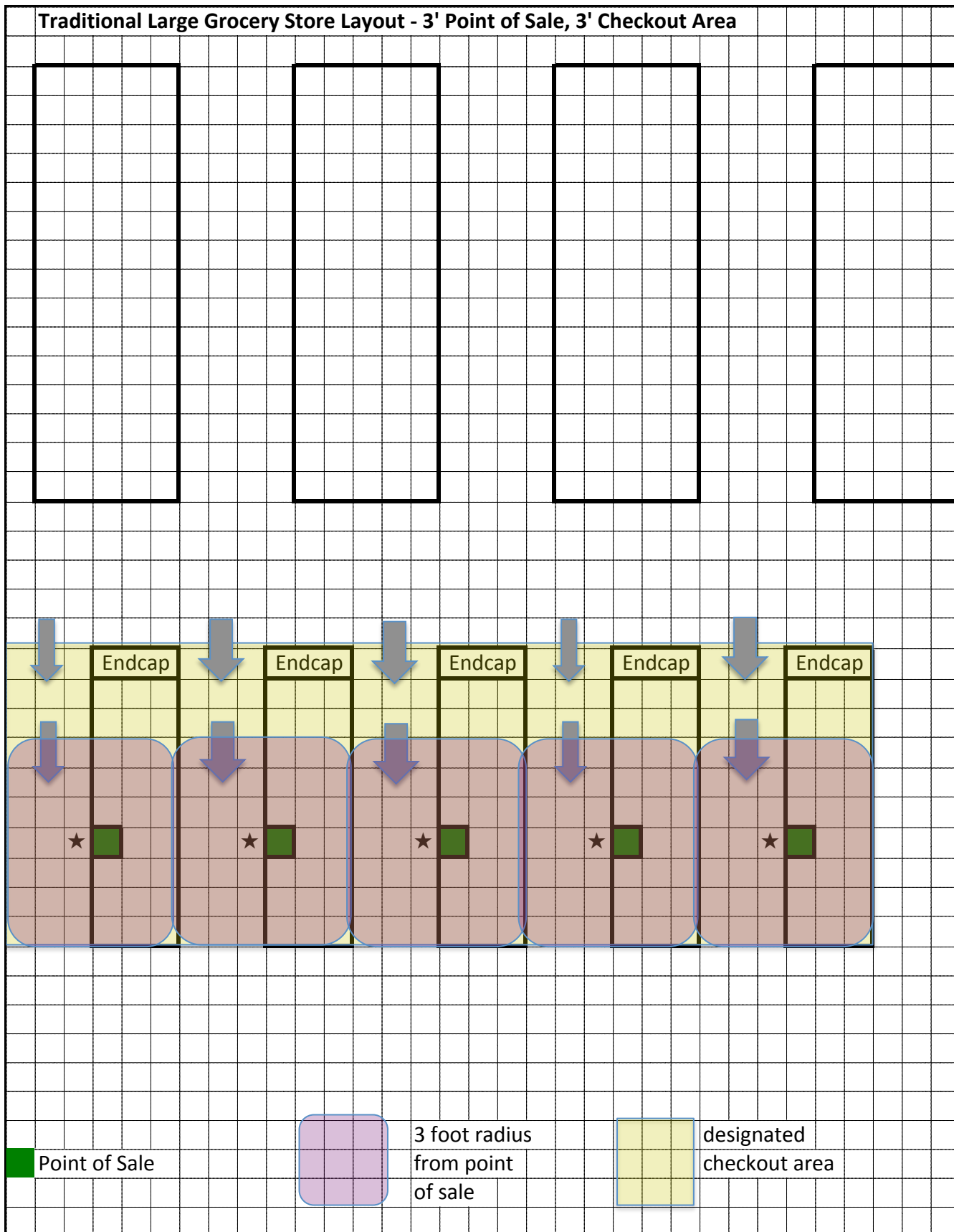
Checkout Counter

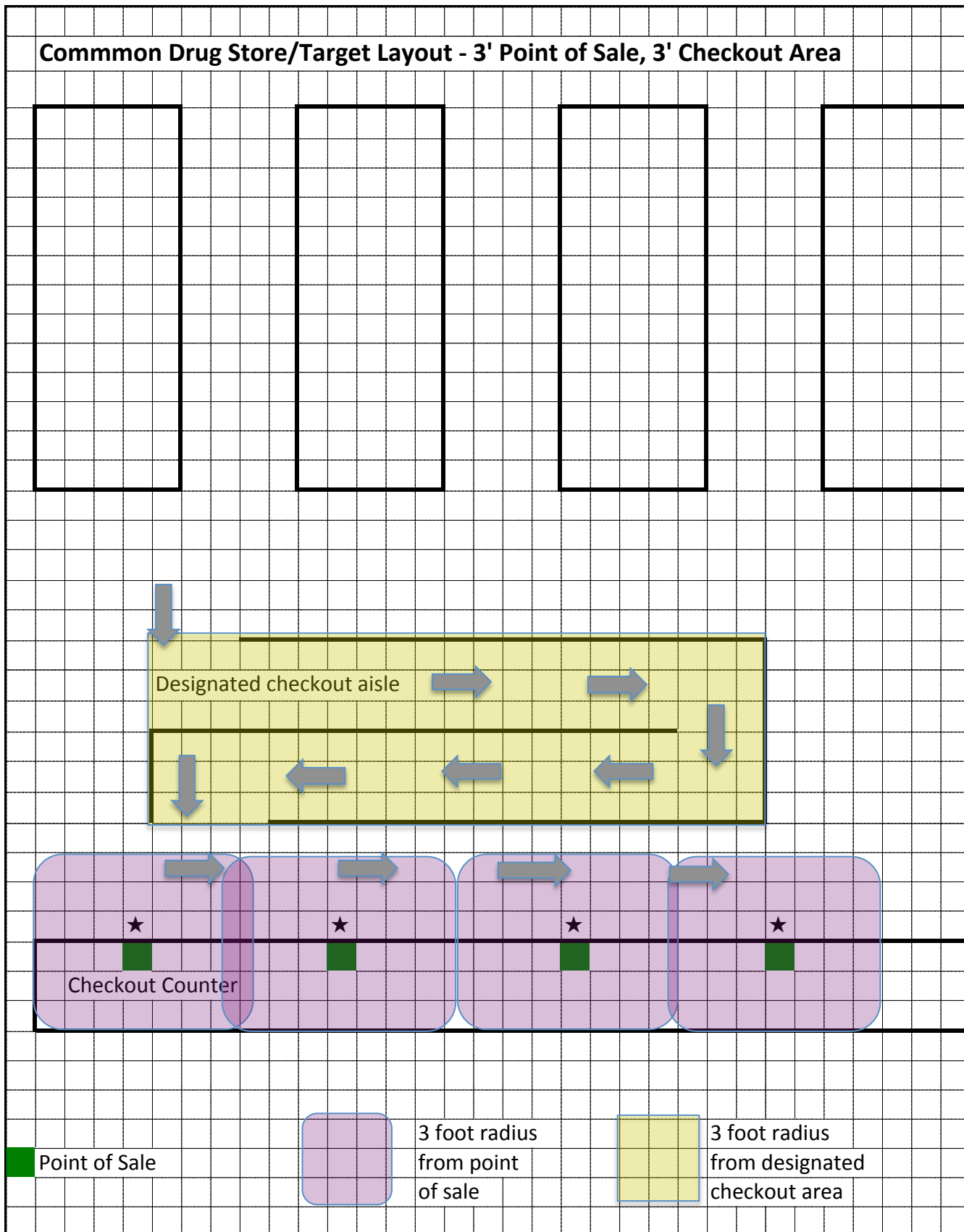
 Point of Sale



3 foot radius  
from point  
of sale

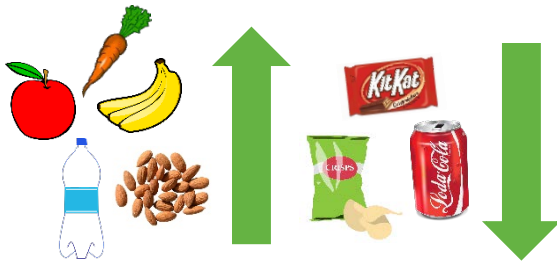
\*\*\*No designated  
checkout area







# Healthy Checkout: Good for Business, Good for Customers



## CONSUMER PREFERENCES ARE CHANGING

- Consumers are purchasing healthier, fresher food (Gasparro, 2017).
- 33% of shoppers are looking for low-sugar products, and 32% are looking for low sodium (FMI, 2017).
- **75% of people say that it is hard for parents to shop with children at grocery stores because there is so much junk food** (Caravan ORC International, 2016).

## BENEFITS TO BUSINESS

- Retailers lose money when fresh produce is not purchased and goes to waste. **Displaying fresh produce at checkout can help reduce loss** (Cernansky, 2017; Fulton, 2010).
- Researchers found that when the shelves near the checkout counter in a hospital cafeteria were **stocked with 75% healthy choices, as opposed to 25%, sales of healthy foods were boosted** (Van Kleef, 2012).
- Healthy checkout distinguishes businesses as **responsible retailers** and **strengthens customer loyalty** without reducing profits (Winkler, 2016).

# 49%

increase in sales of healthy items during the first three months that LiVe Well lanes were open at a grocery store in Utah (Cowley, 2017)

"I used to probably sell a case of bananas every three days, now it's pretty much two a day—two cases a day."

Romny Tejada, Owner, Romny Mini Mart  
on moving produce to the front of the store (Fulton, 2010)

"...some of the (healthy) items that sold up here weren't selling back in the aisles of the store. But we brought 'em up front and all of a sudden, our sales doubled, sometimes even tripled..."

Jim Oppe, Owner, Foodland  
(CDC, 2014)

## A COMPETITIVE EDGE FOR RETAILERS

- Millennials are looking for snacks that are less processed and have few ingredients (Fromm, 2010).
- Soda sales are declining. Retail sales of bottled water are projected to increase from \$13.1 billion in 2013 to \$17 billion in 2018 (Hennessey, 2014).
- Magazine sales account for about one-third of total checkout profits (MPA, 2009). **60% of customers buy magazines at checkout at least once a month.** Plus, 39% buy batteries or flashlights at least monthly (FMI, 2012).
- 78% of people say checkouts are [currently] stocked with a lot of foods and beverages they do not want to buy; **80% would prefer stores offer more healthy items at checkout** (Caravan ORC International, 2016).

The convenience chain 7-Eleven sells

# SEVEN TIMES

more **bananas** each year than Snickers, its top-selling candy bar (Horovitz, 2014)

## Retailer Success Stories

### ASSOCIATED FOOD STORES, UT:

- Associated Food Stores have LiVe Well Lanes in 43 stores. **These lanes have been visited more than 8 million times in their first three months, with more than 60,000 healthy items sold** (Cowley, 2017).

### HARMONS GROCERY, UT:

- Adding healthy checkout lanes improved their image in the community and allowed them to align their company's values and culture with that of health and wellness (email communication, August 2017).
- Certain items saw an increase in sales after being moved to the healthy checkout aisle: yogurt (47%), hardboiled eggs (56%), and dried fruit (144%) (email communication, August 2017).

### CANDY-FREE CHECKOUT IN THE U.K.

- Lidl eliminated candy from all checkout lanes across their 600 U.K. locations after finding that the **healthy pilot lanes received 20% more traffic than the candy-filled aisles** (Clark, 2014). Not long after, Tesco, Aldi, Boots, Waitrose, and Marks & Spencer also removed candy from their checkout aisles (Almy, 2015).

### RALEY'S, CA:

- As of 2016, all 120 locations sell better-for-you products at checkout, including granola bars and free fruit for kids (Minor, 2016).

"We're learning quickly that **our customers want more [healthy checkouts]**. We recognize the challenges for moms and dad who are going through those check stands and their children are quickly distracted by treats."

Chelsea Minor, Director of PR & Public Affairs, Raley's (Pawlowski, 2015)

## What does Healthy Checkout Mean for Berkeley Retailers?

*At all hours during which the retail store is open to the public, only the following foods and beverages are allowed in all checkout areas*

### Beverages

**Water – carbonated with no added sugars**

**EX: Dasani Purified Water, FIJI Water, LaCroix Sparkling Water, Ayala's Herbal Water Sparkling, and Perrier Sparkling Natural Mineral Water**



**Coffee or tea – no added sugars**

**EX: Pure Leaf unsweetened Black Tea**



**100% fruit juice or juice combined with water – no added sugars**

**EX: Capri Sun 100% Juice, Minute Maid 100% apple juice, Mott's 100% Juice Fruit Punch, and Tropicana 100% Orange Juice**



**100% vegetable juice – with no added sugars and no more than 230 mg of sodium.**

**EX: V8 Low Sodium 100% Vegetable Juice, 5.5 fl oz or 11.5 fl oz**



**Dairy milk or calcium – no added sugars**

**EX: Nestlé Nesquik Chocolate LowFat Milk 100 Calories (No Sugar Added) and Soy Dream Enriched Vanilla Soymilk**



**Gum and Mints****No Added Sugars****EX: 5, Dentyne, Extra, Orbit, and Trident****Food Items****Bars with fruit, nuts, or seeds listed as the first two ingredients with no more than 5 grams added sugars per labeled serving****EX: Kashi Chewy Granola Bars, 1.2 oz and Chewy Chocolate Brownielicious Snack Bars****Fresh, canned, or otherwise hermetically sealed dried fruits, vegetables, or legumes with no more than 5 grams added sugars and 230 milligrams of sodium per labeled serving****Hummus and bean dips with no more than 5 grams added sugars and 230 milligrams of sodium per labeled serving****EX: Sabra Hummus (all varieties) and Fritos Bean Dip****Packages that contain one hundred percent nuts or seeds, nut butters, and snack mixes with fruit, nuts, or seeds listed as the first two ingredients, and with no more than 5 grams added sugars and 230 milligrams of sodium per labeled serving****Crackers with “whole” wheat or another “whole” grain or flour, including brown rice, oats, and legumes, listed as the first ingredient, with no more than 5 grams added sugars and 230 milligrams of sodium per labeled serving****EX: Lance Whole Grain Peanut Butter Cracker Sandwiches****Popcorn with no more than 5 grams added sugars and 230 milligrams of sodium per labeled serving****EX: Smartfood White Cheddar Cheese Flavored Popcorn or SkinnyPop Original Skinny Pack**



**Yogurt or cheese with no more than 5 grams added sugars per labeled serving**  
**EX: Horizon Organic Mozzarella String Cheese Stick**



**Checkout Area refers to any area that is accessible to a customer of the Large Retail Store that is either within a 3-foot distance of any register or designated primarily for or utilized primarily by customers to wait in line to make a purchase at a Register.**

## REFERENCES

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## Sample Healthy Checkout Stock

### **Chobani Clingstone Peach Less Sugar Greek Yogurt**

*Brand:* Chobani

*Parent Company:* Chobani Global Holdings, Inc.

*Added Sugar:* 5g

*Sodium:* 50mg



### **Siggi's Vanilla Skyr**

*Brand:* Siggi's

*Parent Company:* Lactalis

*Added Sugar:* 5g

*Sodium:* 55mg



### **Boom Chicka Pop Sea Salt Popcorn**

*Brand:* Angie's Boom Chicka Pop

*Parent Company:* Conagra Brands

*Added Sugar:* 0g

*Sodium:* 130mg



### **Blueberry Lavender Hemp Lärabar**

*Brand:* Lärabar

*Parent Company:* General Mills

*Added Sugar:* 0g

*Sodium:* 0mg



### **Blueberry Vanilla Cashew Kind Bar**

*Brand:* Kind

*Parent Company:* Mars

*Added Sugar:* 4g

*Sodium:* 20mg



**Vegan White Cheddar Hippeas**

*Brand:* Hippeas Organic Chickpea Snacks

*Parent Company:* Green Park Snacks Ltd.

*Added Sugar:* 1g

*Sodium:* 140mg

\*Not applicable if final legislation includes food categories

**Dried Chili Mango**

*Brand:* Peeled

*Parent Company:* Peel Snacks

*Added Sugar:* 0g

*Sodium:* 35mg

**Terra Original Chips**

*Brand:* Terra

*Parent Company:* Hain Celestial Group

*Added Sugar:* 0g

*Sodium:* 110mg

\*Not applicable if final legislation includes food categories

**Smart50 Sea Salt Popcorn**

*Brand:* Smartfood

*Parent Company:* PepsiCo

*Added Sugar:* 0g

*Sodium:* 150mg

**Kashi Peanut Peanut Butter Granola Bar**

*Brand:* Kashi

*Parent Company:* Kellogg's

*Added Sugar:* 5g

*Sodium:* 100mg



**Snak Club Yogurt Trail Mix**

*Brand:* Snak Club

*Parent Company:* Insignia Capital Group

*Added Sugar:* 3g

*Sodium:* 0mg

**Dry Roasted Pistachios**

*Brand:* Planters

*Parent Company:* Kraft-Heinz

*Added Sugar:* 0g

*Sodium:* 150mg

**No Sugar Added Organic Applesauce**

*Brand:* Mott's

*Parent Company:* Keurig Dr. Pepper

*Added Sugar:* 0g

*Sodium:* 5mg

**Diced Yellow Cling Peaches in 100% Fruit Juice**

*Brand:* Dole

*Parent Company:* Dole Food Company, Inc.

*Added Sugar:* 0g

*Sodium:* 5mg

**Toasted Coconut Almond Granola**

*Brand:* Bear Naked

*Parent Company:* Kellogg's

*Added Sugar:* 5g

*Sodium:* 10mg



**Trident Spearmint Gum**

*Brand:* Trident

*Parent Company:* Mondelez

*Added Sugar:* 0g

*Sodium:* 0 mg

**Skinny Pop Popcorn**

*Brand:* Skinny Pop

*Parent Company:* Amplify Snack Brands, Inc.

*Added Sugar:* 0g

*Sodium:* 75 mg

**Organic Mango Fruit Leather Buttons**

*Brand:* Trader Joe's

*Parent Company:* Aldi Nord

*Added Sugar:* 3g

*Sodium:* 0 mg

**Kids Organic Whole Grain Bites**

*Brand:* Quaker

*Parent Company:* PepsiCo

*Added Sugar:* 4g

*Sodium:* 55 mg

**New Zealand Apple Rings**

*Brand:* Trader Joe's

*Parent Company:* Aldi Nord

*Added Sugar:* 0g

*Sodium:* 0 mg



**Blue Diamond Whole Natural Almonds**

*Brand:* Blue Diamond

*Parent Company:* Co-op

*Added Sugar:* 0g

*Sodium:* 0 mg

**Almond Butter Chocolate Brownie Lärabar**

*Brand:* Lärabar

*Parent Company:* General Mills

*Added Sugar:* 2g

*Sodium:* 170 mg

**Mint Chip Brownie Lärabar**

*Brand:* Lärabar

*Parent Company:* General Mills

*Added Sugar:* 4g

*Sodium:* 0 mg

**Apple Mango Fruit Bar**

*Brand:* Trader Joe's

*Parent Company:* Aldi Nord

*Added Sugar:* 0g

*Sodium:* 20 mg

**Activated Smokey Barbeque Sprouted Seeds**

*Brand:* Living Intentions

*Parent Company:* N/A

*Added Sugar:* 0g

*Sodium:* 230 mg





**Tart Cherry and Apple Superfood Bites**

*Brand:* Urban Foods

*Parent Company:* N/A

*Added Sugar:* 3g

*Sodium:* 0 mg

**Mesquite Barbeque Crunchy Broad Beans**

*Brand:* Bada Bean Bada Boom

*Parent Company:* Enlightened

*Added Sugar:* 1g

*Sodium:* 150 mg

**Apple Mango Fruit Sauce Crushers**

*Brand:* Trader Joe's

*Parent Company:* Aldi Nord

*Added Sugar:* 0g

*Sodium:* 10 mg

**Apple Cinnamon Crunchy Rice Rollers**

*Brand:* Crunchy Rollers

*Parent Company:* General Mills

*Added Sugar:* 3g\*

*Sodium:* 0 mg

\*Estimate (contains 3g total sugar)

**Dasani Sparkling, Raspberry Lemonade**

*Brand:* Dasani

*Parent Company:* Coca Cola

*Added Sugar:* 0g

*Sodium:* 35mg



**Bubly, Strawberry**

*Brand: Bubly*

*Parent Company: PepsiCo*

*Added Sugar: 0g*

*Sodium: 0g*

**Spindrift, Blackberry**

*Brand: Spindrift*

*Parent Company: VMG Partners*

*Added Sugar: 0g*

*Sodium: 0mg*

**La Colombe Pure Black Cold-Pressed Coffee**

*Brand: La Colombe*

*Parent Company: La Colombe*

*Added Sugar: 0g*

*Sodium: 25mg*

**Aquafina**

*Brand: Aquafina*

*Parent Company: PepsiCo*

*Added Sugar: 0g*

*Sodium: 0mg*

**Minute Maid 100% Orange Juice**

*Brand: Minute Maid*

*Parent Company: Coca-Cola*

*Added Sugar: 0g*

*Sodium: 25 mg*





Kate Harrison  
Councilmember District 4

ACTION CALENDAR  
September 22, 2020

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Kate Harrison and Sophie Hahn  
Subject: Healthy Checkout Ordinance

RECOMMENDATION

1. Adopt an ordinance requiring stores over 2,500 square feet in size to sell more nutritious food and beverage options in their checkout areas.
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.
3. Refer to the Sugar Sweetened Beverage Product Panel of Experts to consider recommending funding allocations, and to work with City staff to develop protocols for, implementation, education, and enforcement.

POLICY COMMITTEE RECOMMENDATION

On March 9, 2020, the Health, Life Enrichment, Equity & Community Committee adopted the following action: (Hahn/Kesarwani) to send the item to Council with a positive recommendation and the following amendments requested of the author: a. For the Council report, add a third recommendation to the item to request a referral to the Sugar Sweetened Beverage Product Panel of Experts to consider recommending allocations to support implementation, education & enforcement and to work with staff to develop protocols for the same. Additionally, under financial implications, include that enforcement of the ordinance should be focused on education and only secondarily, on traditional enforcement mechanisms. b. For the Ordinance: Under 9.82.030, strike the reference to chips and change 230 mg of sodium to 200 mg; under 9.82.060 include an effective date of January 1, 2021, and an enforcement and ongoing education date of July 1, 2021; and amend under definition 9.82.020, the defined term “Endcap” should become “Checkout Endcap” and substitutions made throughout; Checkout Endcap is defined as the product displays at the endpoints of areas designated or utilized primarily for waiting in line to make a purchase. Vote: Ayes – Kesarwani, Hahn; Noes – None; Abstain – None; Absent – Bartlett.

FINANCIAL IMPLICATIONS

1. Implementation of the ordinance would require staff time to educate the approximately 25 stores about what is required of them to comply with the ordinance. The Center for Science in the Public Interest has created a suggested list of products that meet the criteria of the ordinance. Healthy Berkeley funded

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programs Bay Area Community Resources and Community Health Education Institute are both funded for FY 21 to work with stores, including with store education and monitoring. Community partners could assist with implementation. Additionally, the City Council approved a budget recommendation from the Sugar Sweetened Beverage Product Panel of Experts in May 2019, which includes additional funding for FY 20 and 21. The total recommended budget for the City of Berkeley Public Health Division (PHD) is \$427,500 per fiscal year. In Fiscal Years 2016-17, 2017-18 and 2018-19, the City Council has voted to allocate \$225,000 per fiscal year to the PHD for the administration and evaluation of the Healthy Berkeley Program. This represents an increase of \$202,500 per year in Fiscal Years 2019-20 and 2020-21.

2. Enforcement should be focused primarily on positive education and secondarily on traditional enforcement. Enforcement of the ordinance may be incorporated into the regular inspections of food retailers conducted by the City. Spot checks of items sold in each aisle is sufficient to monitor compliance.

### BACKGROUND

Today's food landscape plays a large role in determining what people purchase and consume. Unhealthy food and beverages are promoted and placed repeatedly throughout retail stores. Cheap, ready-to-eat foods high in salt, saturated fat, and added sugars dominate checkout aisles, where shoppers are more likely to make impulse purchases and where parents struggle with their children over demands to buy treats at the end of a shopping trip.

This ordinance would require all stores over 2,500 square feet in size that sell at least 25 linear feet of food to follow the requirements for Healthy Checkout, as written in the ordinance, the specifics of which are to be determined in the policy committee process. This would impact approximately 25 stores in Berkeley, including Safeway, Whole Foods, CVS, Walgreens, Berkeley Bowl, and Monterey Market.

### ***Health Impacts of Sugar and Sodium Consumption and Related Disease Disparities***

Impulse buying at checkout contributes to the high levels of sugar consumption in American diets. There has been much research and media attention<sup>1</sup> about the health impacts of excessive added sugar intake, including elevated risk of tooth decay, heart disease, and Type 2 diabetes.<sup>2</sup> The adverse health effects of added sugar consumption further entrench health disparities, burdening people of color more than white populations. Currently, Type 2 diabetes is on the rise across the country; one in three children and one of two children of color will be diagnosed in their lifetime.<sup>3</sup>

Diets that are high in sodium are linked to high blood pressure, heart disease, and stroke,<sup>4</sup> all of which disproportionately affect African Americans and communities of color.<sup>5</sup>

### ***Health Equity and Inequity***

Berkeley also has health disparities in diet-related disease. In 2014, African American residents were four times more likely than White residents to be diagnosed with

diabetes and 14 times more likely to be hospitalized due to its effects.<sup>6</sup> This gap has decreased since 2014, but the disparity continues to exist.<sup>7</sup> Rates of hospitalization for heart disease and high blood pressure are also significantly higher among African-American residents than White and Latino residents.<sup>5</sup>

On a national scale, racial and ethnic minorities experience diet-related disparities – diets high in fat and salt and low in fruits, vegetables, and whole grains.<sup>8</sup> These diet-related disparities lead to additional health disparities including heart disease and diabetes, as discussed above. Providing more nutritious options will benefit people of all backgrounds, but it will disproportionately benefit low-income communities and communities of color who are most affected by nutrition-related health issues.

### ***Checkout Areas of Grocery Stores Contribute to the Problem***

Consumers are trying to make healthier purchases. A 2019 report found that 73 percent of shoppers are concerned about the nutritional content of their food.<sup>9,10</sup>

Despite consumer desire to select healthier foods, unhealthy foods are prevalent in checkout areas in a wide variety of retail stores. A national study of 8,600 stores – including supermarkets, convenience stores, drug stores, and dollar stores – found that 88 percent display candy at checkout and one-third (34 percent) sell sugar-sweetened beverages.<sup>11</sup> Only 24 percent of stores sell water at checkout, and only 13 percent sell fresh fruits or vegetables at checkout.<sup>8</sup> Almost all supermarkets (91 percent) display candy and 85 percent sell soda and other sugary drinks at checkout.<sup>8</sup>

In 2018, a Berkeley-based youth group assessed a sample of 35 Berkeley stores including Walgreens, Safeway, Trader Joes, Target, Berkeley Bowl, Dollar Tree and others. Data was collected from 16,404 facings, which are the display of a single product on the shelf (not including the items stacked behind it). They found that 69 percent of beverages and 81 percent of foods sold in the checkout area of surveyed stores were considered unhealthy using the National Alliance for Nutrition and Activity Model Nutrition Standards for Checkout.<sup>12</sup>

Research shows that food choices are strongly affected by the environments in which they are made. The aim of placing food and beverages at checkout is to induce unplanned purchases; thus, unhealthy checkout options undermine consumers' efforts to purchase healthier foods.<sup>13</sup> The placement of snacks near the register increases the likelihood that people purchase those foods.<sup>14</sup> In addition, most of the candy, soda, and chips in checkout aisles are placed at eye-level and within reach of children, undermining parents' efforts to feed their children well.<sup>15</sup>

Three-quarters of parents report that it is hard to shop at grocery stores because unhealthy food is so prevalent.<sup>16</sup> Healthy checkout aisles provide all families more opportunities to say yes to their kids.

***Grocery Stores are a Prime Place for Policy Change***

Grocery stores are Americans' top source for food and beverages, providing more than 60 percent of calories.<sup>17</sup> Ninety percent of Supplemental Nutritional Assistance Program (SNAP) dollars are redeemed at supermarkets and grocery stores.<sup>18</sup> Though grocery stores sell a wide range of healthy products, they are also the largest contributor of unhealthy food and beverages to the diet. Seventy percent of the sugary beverages children consume come from food retail.<sup>19</sup>

Sugary drinks are promoted repeatedly throughout stores; appearing in as many as 25 different places in a single grocery store.<sup>20</sup> At checkout, these drinks make up 60% of beverage offerings.<sup>21</sup>

Healthy Checkout also provides an opportunity for grocery stores. When United Kingdom grocery stores provided healthier options at checkout, consumers responded positively and provided a "responsible" branding opportunity for those stores.<sup>22</sup> Consumers want healthier options, and stores can use this fact to their advantage.

For all these reasons, grocery store checkout lanes are an ideal place to begin changing norms around healthy snacks and drinks.

***Strategies to Reduce Sugar Consumption in Berkeley***

In 2014, Berkeley became the first city in the country to tax the distribution of sugar sweetened beverages. In the last five years, the City created the Healthy Berkeley program which supports the Berkeley Unified School District garden education program as well as community programs that educate residents about nutrition and are changing norms around beverage choice.

This ordinance is another effort to create a healthy food environment that would support families by providing them the ability to avoid high-calorie, low-nutrient food and beverages when they do their grocery and other shopping. Individuals and families who want to purchase sugary drinks, candy, chips, and other sweet and salty snacks will be able to find them in their respective aisles in the center of stores. By changing checkout norms, shoppers and their children face less temptation to consume sugary foods and there is less reinforcement of these unhealthy choices.

***Berkeley Residents are Demanding Checkout Changes***

In 2018, Berkeley-based youth advocates conducted four focus groups where adults and adolescents unanimously supported removing unhealthy food and beverages from grocery store checkout lanes and requiring stores to have healthy checkout aisles. Participants suggested retailers stock checkout with water, fruit juice, coffee, and tea. They also requested that gum, mints and healthy snacks be available. Using the National Alliance for Nutrition and Activity standards as a guide, this ordinance aims to create checkout aisles where beverages with no added sugars or artificial sweeteners, such as 100% juice and water are considered healthy beverages, and where healthy snacks are predominantly fruits, nuts, and vegetables.

In order to streamline implementation and enforcement, the proposed Healthy Checkout Ordinance restricts added sugars and sodium for food products sold at checkout.

### ***Outreach and Focus Groups***

The Center for Science in the Public Interest performed four focus group studies in 2019 regarding the proposed Healthy Checkout Ordinance. The focus groups were intentionally diverse but focused on youth and health advocates. The four focus groups were 1) Berkeley High School students 2) Latinx women in South Berkeley, conducted in Spanish 3) African-American women, hosted by Healthy Black Families and 4) North and Northwest Berkeley residents, hosted by Urban Adamah. From the focus groups, advocates learned that half reported feeling stress at checkout, there was unanimous support for healthy checkout options in grocery stores, and parents and children are susceptible to impulse purchases.

There were also nine interviews conducted with a dentist, a Community Health Commissioner, two non-profit leaders, four local retail managers, and one store owner. 100% of the retailers were interested in making healthier changes and 50% of the managers were interested in supporting the ordinance directly. All retailers also stated that straightforward guidelines would help with implementation.

The City has also begun some outreach, with positive results. Healthy Checkout was recently polled in the Berkeley Considers engagement portal, where over 95% of respondents were in favor. Over 100 people responded to the question.

### ***Healthy Checkout Reduces Impulse Buying of Sugary Snacks and Drinks***

A recent study by the University of Cambridge analyzed purchasing data for common unhealthy checkout foods from 2013-2017 in nine U.K. supermarket chains. They found that consumers purchased 17 percent fewer sweets, chocolate and potato chips. One year later the decline in unhealthy purchases remained steady at 16 percent.<sup>1</sup>

The Healthy Checkout Ordinance will create a level playing field for customers and retailers and support consistent, healthy snacking norms for shoppers and families.

### ***Providing Alternatives at Checkout in Berkeley: Ordinance Elements***

The attached ordinance (Attachment 1):

- limits food and beverage products sold at the checkout area;
- applies to approximately 25 stores in Berkeley that are over 2,500 square feet (see attached) and have more than 25 linear feet of food for sale; and
- allows only beverages with no added sugars and no artificial sweeteners and food items with limited calories, added sugars, and sodium to be sold in the checkout area.

These limitations allow for healthy alternatives to proliferate in checkout areas. Stores will continue to sell food items in their checkout areas, and limiting the salt and added

sugars will lead to stores selling fruits, vegetables, seeds, nuts, water, milk, and other healthier options.

The attached ordinance still has some unanswered questions that will require input from public health advocates, City staff, food retailers, and the policy committee. Those questions are:

- how to define healthy food, and what parameters are most appropriate;
- date of implementation;
- appropriate definition of “checkout area”. The attached draft ordinance includes the definition of “checkout area” as defined in AB 765, but that definition may not appropriately reflect the needs of all large retail stores in Berkeley.

#### RATIONALE FOR RECOMMENDATION

Requiring the approximately 25 stores to follow the requirements for Healthy Checkout would eliminate the encouragement of unplanned purchases of unhealthy foods and beverages. Such a change would thus contribute to healthy norms and reduce the consumption of sugary drinks and unhealthy foods in the City of Berkeley.

#### ALTERNATIVES CONSIDERED

In February 2019, Assemblymember Buffy Wicks introduced AB 765, a bill which would implement Healthy Checkout statewide. However, as the bill has not advanced from committee since April, progress at the state level is not guaranteed.

In the United Kingdom, many grocery stores have voluntarily undertaken a healthy checkout initiative.<sup>22</sup> However, without clear standards for what constitutes “healthy” or enforcement, the voluntary model is too modest to draw conclusions about long-term health impacts. In addition, the interviews with retailers indicated that voluntary compliance without straightforward guidelines would be more difficult to follow.

#### CONTACT PERSON

Kate Harrison, District 4

#### ATTACHMENTS:

1: Draft Ordinance



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- <sup>1</sup> Brody, JE. The Downside of Having a Sweet Tooth. *The New York Times*. July 22, 2019. <https://www.nytimes.com/2019/07/22/well/eat/the-downside-of-having-a-sweet-tooth.html>.
- <sup>2</sup> U.S. Department of Health and Human Services and U.S. Department of Agriculture. *2015–2020 Dietary Guidelines for Americans 8th Edition*. Washington, DC; HHS and USDA, 2015.
- <sup>3</sup> *Lancet Diabetes Endocrinol*. 2014 Nov;2(11):867-74. doi: 10.1016/S2213-8587(14)70161-5. Epub 2014 Aug 12.
- <sup>4</sup> <https://www.hsph.harvard.edu/nutritionsource/salt-and-sodium/>
- <sup>5</sup> <https://www.cdc.gov/mmwr/volumes/67/ss/ss6705a1.htm>
- <sup>6</sup> City of Berkeley. *Health Status Report 2014*. Berkeley, CA; 2014.
- <sup>7</sup> City of Berkeley. *Health Status Report 2018*. Berkeley, CA; 2018.
- <sup>8</sup> Satia, Jessie A. *Diet-Related Disparities: Understanding the Problem and Accelerating Solutions*. J. Am Diet Assoc. 2009 April.
- <sup>9</sup> Food Marketing Institute. *The Power of Health and Well-Being in Food Retail*. Arlington, VA: FMI; 2019.
- <sup>10</sup> International Food Information Council Foundation. *2019 Food & Health Survey*. Washington, D.C.: IFIC; 2019.
- <sup>11</sup> Barker D, Quinn C, Rimkus L, Zenk S, Chaloupka F. *Availability of Healthy Food Products at Check-out Nationwide, 2010-2012*. Chicago, IL: Bridging the Gap Program, Health Policy Center, Institute for Health Research and Policy, University of Illinois at Chicago; 2015.
- <sup>12</sup> The Center for Science in the Public Interest. *Model Nutrition Standards for Checkout*. <https://cspinet.org/protecting-our-health/nutrition/model-nutrition-standards-checkout>.
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- <sup>15</sup> Horsley JA, Absalom KA, Akiens EM, Dunk RJ, Ferguson AM. The Proportion of Unhealthy Foodstuffs Children Are Exposed to at the Checkout of Convenience Supermarkets. *Public Health Nutr*. 2014;17(11):2453-2458.
- <sup>16</sup> Caravan ORC International. *Checkout Polling: Online Survey of 1,024 adults*. Princeton, NJ; 2016.
- <sup>17</sup> Mancino L, Guthrie J. *Supermarkets, Schools, and Social Gatherings: Where Supplemental Nutrition Assistance Program and Other U.S. Households Acquire their Foods Correlates with Nutritional Quality*. Washington, DC: U.S. Department of Agriculture Economic Research Center; 2018.
- <sup>18</sup> U.S. Department of Agriculture Food and Nutrition Service. *2015 SNAP Retailer Management Year-End Summary*. Washington, D.C.: USDA; 2015.
- <sup>19</sup> Poti JM, Slining MM, Popkin BM, Kenan WR. Where are kids getting their empty calories? Stores, schools, and fast food restaurants each play an important role in empty calorie intake among US children in 2009-2010. *J Acad Nutr Diet*. 2014;114(6):908-917. doi: 10.1016/j.jand.2013.08.012.
- <sup>20</sup> Cohen DA, Bogart L, Castro G, Rossi AD, Williamson S, Han B. Beverage marketing in retail outlets and The Balance Calories Initiative. *Prev Med*. 2018;115:1-7.
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## ORDINANCE NO. -N.S.

## ADDING CHAPTER 9.82 TO THE BERKELEY MUNICIPAL CODE "HEALTHY CHECKOUT"

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the Berkeley Municipal Code is amended to read as follows:

**9.82.010. Findings and Purpose.**

The City of Berkeley hereby finds and declares as follows:

- A. Diets with an excess of added sugars and sodium are correlated to chronic health issues including diabetes, high blood pressure, and stroke.
- B. Food choices are strongly affected by the environments in which they are made. The placement of unhealthy snacks near a register increases the likelihood that consumers will purchase those foods and drinks, thus undermining consumer health choices and public health initiatives.
- C. It is in the interest of the health, safety, and welfare of all who live, work, and do business in the City that large stores offer healthy options and do not actively encourage the purchase of unhealthy foods.
- D. This Chapter is consistent with the General Provisions of Environmental Health of the City (Berkeley Municipal Code 11.04).

**9.82.020. Definitions.**

- A. "Added Sugars" means sugars added during the processing of food and beverages, or are packaged as such, and include sugars (free, mono and disaccharides), sugars from syrups and honey, and sugars from concentrated fruit or vegetable juices that are in excess of what would be expected from the same volume of 100 percent fruit or vegetable juice of the same type, as defined in Section [101.9](#) of Title 21 of the Code of Federal Regulations.
- B. "Artificial Sweetener" means sweeteners with few to no calories that have a higher intensity of sweetness per gram than sucrose.
- C. "Category List" means the list of foods and beverages which meet the standards of BMC 9.82.030.
- D. "Checkout Area" means any area that is accessible to a customer of the Large Retail Store that is either:
  - i. within a 3-foot distance of any Register; or
  - ii. designated primarily for or utilized primarily by customers to wait in line to make a purchase at a Register, up to and including the Checkout Endcap.

- E. “Checkout Endcap” means product displays placed at endpoints of areas designated primarily for or utilized primarily by customers to wait in line to make a purchase.
- F. “Register” means a device used for monetary transactions that calculates the sales of goods and displays the amount of sales for the customer.
- G. “Large Retail Store” means a commercial establishment selling goods to the public with a total floor area over 2,500 square feet and selling 25 linear feet or more of food.

#### **9.82.030. Healthy Checkout Areas.**

Each Large Retail Store shall, at all hours during which the Large Retail Store is open to the public, ensure that all foods and beverages sold in all Checkout Areas meet the standards in Sec 9.82.030 A-C and comply with the list of qualifying food and beverage categories:

- A. Beverages with no added sugars and no artificial sweeteners.
- B. Food items with no more than 5 grams of added sugars, and 200 milligrams of sodium per labeled serving.
- C. Food items must be in the following categories: chewing gum and mints with no added sugars, fruit, vegetables, nuts, seeds, legumes, yogurt or cheese and whole grains.

City staff will provide technical assistance for implementation. Bi-annual review of qualifying food and beverage categories will be done by the Public Health Division. There will be a 120 day phase-in period if any changes are made.

#### **9.82.040. Enforcement.**

- A. The City is hereby authorized to issue all rules and regulations consistent with this ordinance, including, but not limited to, fees for re-inspection.
- B. Compliance with this Chapter shall be administered by the City during regular inspections of qualifying Large Retail Stores. The City may require a Large Retail Store to provide such information as may be necessary to determine the Large Retail Store’s compliance with this Chapter.

#### **9.82.050. Violation--Penalty.**

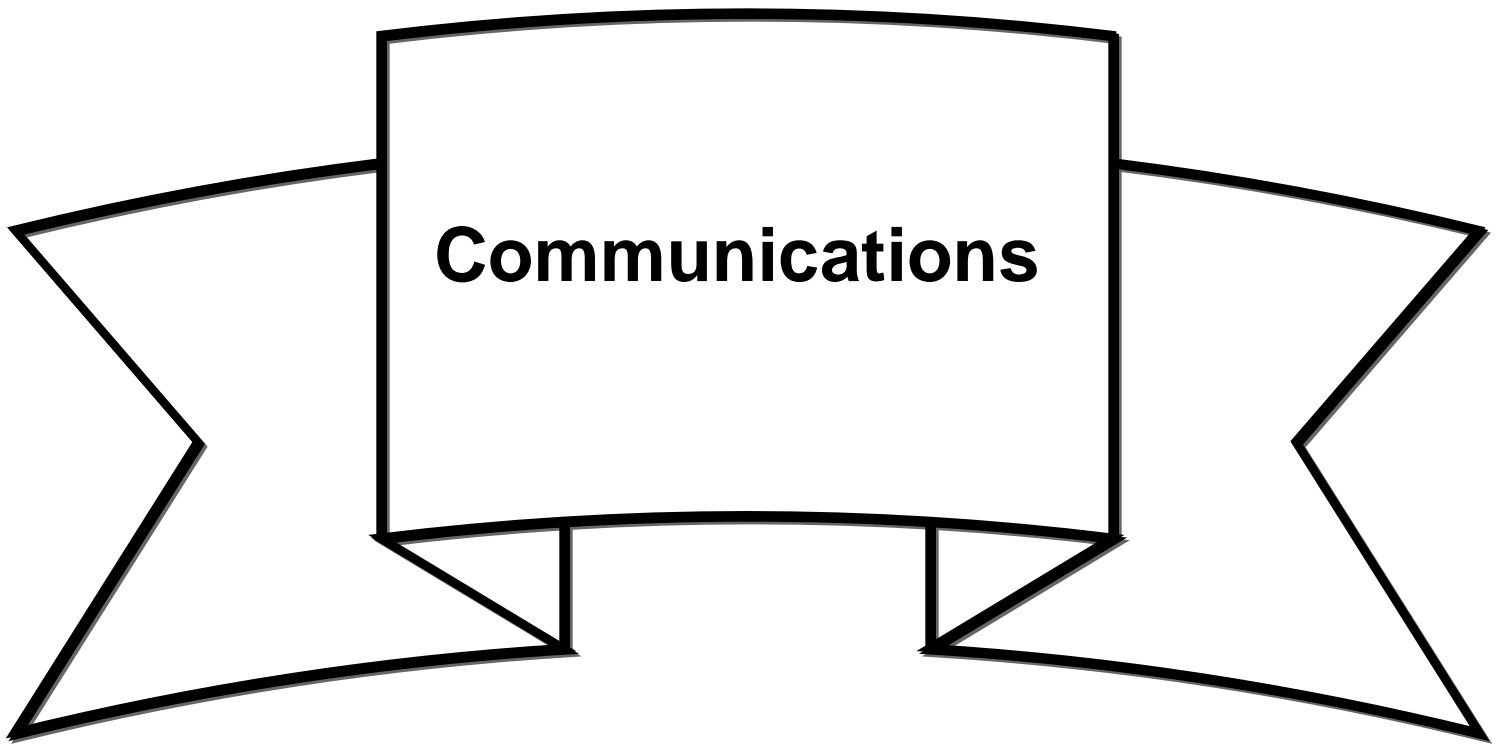
- A. A Large Retail Store that violates any provision of this chapter may be subject to administrative citations pursuant to Chapter [1.28](#) of this Code.
- B. This section shall not limit the City from recovering all costs associated with implementing this chapter or investigating complaints pursuant to fee resolution.

C. Remedies and penalties under this chapter are cumulative and not exclusive.

**9.82.060. Effective Date.**

This ordinance and the legal requirements set forth herein shall take effect and be in force January 1, 2021. Enforcement pursuant to 9.82.040 shall commence no sooner than July 1, 2021.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**Records Online**

<https://records.cityofberkeley.info/>

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1. Select Search Type = “Public – Communication Query (Keywords)”
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4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF